

INTERMODAL SURFACE TRANSPORTATION
INFRASTRUCTURE ACT OF 1991

R E P O R T
OF THE
COMMITTEE ON
PUBLIC WORKS AND TRANSPORTATION
U.S. HOUSE OF REPRESENTATIVES

[To accompany H.R. 2950]



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Mr. ROE, from the Committee on Public Works and Transportation,
submitted the following

REPORT

[To accompany H.R. 2950]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 2950) to develop a national intermodal surface transportation system, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment in the nature of a substitute appears in *italic* in the reported bill.

BUILDING THE SURFACE TRANSPORTATION SYSTEM

The quality of life enjoyed by the great majority of Americans today is due in large measure to the visionary leadership provided over the course of more than two centuries in building, expanding and maintaining a sound and pervasive surface transportation system. It has profoundly changed the way Americans live and work.

While the beginnings may have been primitive, the vision was there, along with the very early realization that mobility would end regional isolation and literally unite the Nation. As early as 1775, the Continental Congress passed a resolution and ordinance dealing with the establishment of post roads and post offices, and, thus, the Federal Highway program had its earliest beginnings.

As road traffic increased, more post roads were built, and in 1806, Congress authorized construction of the National Pike or Cumberland Road, which eventually linked the land west of the Allegheny Mountains and the eastern seaboard. At the same time,

Congress established an important precedent by turning over the road to the respective states through which it ran.

By the end of the 19th Century, automobiles were introduced, and the country was experiencing both growing pains and growing pressure to improve the existing road systems. Ultimately, the modern land transportation system was ushered in with the enactment of the Federal Aid Road Act of 1916. It marked the beginning of substantial Federal expenditures for highway transportation, and with them, it established a formula for apportioning funds to the states and required participating states to have a competent State Highway Department.

Fortunately, needed changes and course corrections have always characterized the Federal-aid highway program. Thus, recognizing the widely scattered basis on which roadways were being improved and the inadequacy of state funding, Congress enacted the Federal Highway Act of 1921. In that act, states were required to designate a system of principal interstate and intercounty roads amounting to 7% of the total of such roads in each state, thereby creating the Federal-aid Primary System of highways. In order to protect the heavy investment in road improvement, the act also required states to provide for adequate maintenance of the roads constructed under its authority.

The depth of America's commitment to a national interconnected highway system came with the landmark Federal-aid Highway Act of 1956, which authorized construction of the Interstate System and established the Highway Trust Fund. The Federal government agreed to pay 90% of the costs of the system, with the states paying the remaining 10%. The act was the outgrowth of extensive hearings held by the Public Works Committee on recommendations of the Clay Committee, appointed by President Eisenhower. It was the largest highway construction program and, in fact, the largest single public works program ever undertaken by the United States.

Creation of the Highway Trust Fund allowed roads to be financed on a pay-as-you-go basis from a tax on motor fuels, tires, trucks, truck parts, lubricating oil, and the use of heavy vehicles.

The gas tax was increased in the 1982 Surface Transportation Act from 4 cents to 9 cents per gallon. The Committee authorized one cent of the 5-cent gas tax increase to be transferred to the mass transit account of the Highway Trust Fund to finance non-highway uses. Also established was the Minimum Allocation Fund, which provides each state a return of at least 85% of the revenue it contributes to the Highway Trust Fund, except those going to the mass transit account.

In 1987, the Surface Transportation and Uniform Relocation Assistance Act authorized Federal-aid highway programs through F.Y. 1991, and extended the Highway Trust Fund through 1993. It also permitted a state to raise the speed limit from the existing 55 miles per hour to 65 mph on rural Interstate highways under certain conditions.

A SYSTEM IN JEOPARDY

After all of the progress that has been made over the past two centuries in building an infrastructure that has been the envy of the world, that infrastructure is crumbling.

Despite our long history of accomplishments in road-building, more than 60% of the miles of paved highways in the United States need some form of surface rehabilitation. According to the Department of Transportation, some 265,000 miles of highways were in poor condition in 1989, and about half of the Nation's total highway miles were at or near the point at which vehicle operations would be impaired by deteriorating conditions.

Thirty-five percent of the Interstate System will have outlived its useful life in 1995, and the cost of maintaining the system could exceed the initial \$120.5 billion cost of construction.

Currently, 39% of the Nation's bridges are rated deficient, including one out of every four of the 270,000 Federal-aid Interstate, primary, secondary and urban bridges that carry 85% of the Nation's traffic.

Congestion is a growing problem. Almost 70% of daily peak-hour travel on the urban interstate system in 1989 occurred under congested conditions. By the year 2005, traffic delays caused by inadequate roads will cost the Nation \$50 billion a year in lost wages and wasted gasoline.

Airports are crowded, airways are congested, and the air traffic control system needs substantial upgrading to maintain safety. The FAA estimates that the number of "seriously congested" airports will soar to 58 by the year 2000, up from 16 in 1986, and the congestion will affect 74% of the passengers, compared with 39% in 1986.

Water storage and distribution systems are deteriorating in some older cities. In a certain two-year period, 34 cities suffered an average of 229 water main breaks per 1,000 miles of main. In addition, leaking pipes cause some major cities to lose as much as 30% of their daily water supply.

Despite a \$44 billion Federal investment in sewage treatment since 1972, it will take \$83.5 billion to meet wastewater treatment requirements of the Clean Water Act by 2005, according to the Environmental Protection Agency.

These grim statistics reflect our failure as a nation to make the needed investment in our basic public facilities. Total public spending on infrastructure dropped from 3.6% of the Gross National Product in 1960, to 2.6% in 1985. The relative share of public works spending at all levels of government declined from nearly 20% of total expenditures in 1950, to less than 7% in 1984. The Federal share of infrastructure spending has declined from 41% in 1981, to 34.5% in 1986.

At the same time, productivity in the private sector has declined. The U.S. productivity growth rate fell from 1.8% annually in the 1960's to 0.7% during the early 1980's. This places our Nation's ability to compete internationally at risk, since our productivity is growing more slowly than in other developed countries. For example, West Germany has an impressive growth rate at 2.9%, and in

Japan, it is 3.1%. They invest almost twice as much in their public works as does the United States.

The failure to improve our transportation system from its present state will by 1995, reduce the Gross National Product by 3.2%, disposable income by 5.9%, employment by 2.2%, and it will increase the Consumer Price Index by 8%.

What should be fully realized is that infrastructure investment does not compete with all the other financial needs of the Nation. It is an investment in the future. For every \$1 we invest in the infrastructure, we get a \$10 payback.

NEW DIRECTIONS TO MEET THE CHALLENGE

The extent of deterioration in the Nation's infrastructure presents this Congress with the critically important challenge of increasing our national commitment to infrastructure investment. We need a level of investment that will enable the Nation to be competitive in the global economy of the 21st Century.

Just as Congress broke new ground in authorizing the massive Interstate Highway Program, so the 102nd Congress must chart a new course for Federal policy governing highways and mass transit, now that the Interstate is nearing completion. The Intermodal Surface Transportation Infrastructure Act of 1991 is the vehicle that will take our surface transportation program in a bold new direction as we move into the new century.

While a more detailed explanation of the specific provisions in H.R. 2950 is provided elsewhere in this report, it is important to note that this is, first of all, not merely a highway bill, but a surface transportation bill. The critical issue for the balance of this century and the next is the ability of American industry to compete in the global economy.

The American economy as a separate entity no longer exists, and for our industry to compete, we must provide a national intermodal transportation system that moves people and goods in an energy efficient manner. Fortunately, we have the basic systems in place—highways, mass transit, airports, railroads, and coastal, inland and Great Lakes ports.

The Committee has examined over the past two years the needs of these systems in depth with an extraordinarily extensive series of hearings in Washington and throughout the Nation, focusing both on the state of the Nation's infrastructure in general and specifically on the highway, transit and highway safety needs to be addressed in this bill.

Both urban and rural America have pressing transportation infrastructure needs, and the linkage of adequate transportation facilities to economic growth and expansion in all regions of the country is quite clear and must be addressed if the Nation is to remain economically strong nationally and internationally.

With a wealth of hearing testimony in hand, the Committee is recommending a five-year \$153.5 billion surface transportation program that will strengthen the highway and transit components of a national intermodal transportation system.

In essentially rewriting the national highway map, the Committee is stressing intermodality and flexibility in addressing particu-

lar highway and transit needs. The states are encouraged to develop the best highway, transit and highway safety solutions from the standpoint of national productivity, clean air, and energy efficiency.

Structurally, the highway program will continue to be administered by the Federal Highway Administration and the transit program, by the Federal Transit Administration, which replaces the Urban Mass Transit Administration.

H.R. 2950 authorizes the expeditious completion of the Interstate System and provides important funding to adequately maintain the system and allow for added capacity. It also authorizes completion of those highway and mass transit projects substituted for segments of the Interstate that were withdrawn.

The bill also designates a new National Highway System (NHS) that will provide a national prioritizing of the most heavily traveled transportation corridors. It is similar to the National Highway System proposed in the Administration's bill, H.R. 1351. Even though it covers only roughly 5% of the Nation's public road mileage, the proposed 155,000-mile system, with a possible 15% adjustment, is expected to carry nearly half of all vehicle miles of travel and about three-fourths of commercial truck traffic.

The NHS includes the Interstate Highway System, the Strategic Highway Network, and principal arterial roads from the Primary System. This new unified intermodal transportation system will connect major population centers, give rural communities access to jobs and markets and connect the Nation's ports and airports to international markets. In so doing, it will increase national productivity and international competitiveness.

H.R. 2950 reflects the Committee's visionary approach to transportation needs in the next century by insuring the inclusion in the NHS of desperately needed major transportation corridors left out of the original Interstate System map. The new system reflects the Committee's recognition of the need to relieve congestion in urban and suburban America, while at the same time addressing the mobility and access needs of Rural America.

The bridge program is strengthened in H.R. 2950, reflecting the Committee's concern over the serious deterioration of the Nation's bridges, which are literally the linchpin of our entire transportation system. If America's infrastructure is to provide the foundation for our industry to compete in the global economy of the 21st Century, the Nation's bridges must be sound.

The bill provides substantial funding increases for mass transit programs. The small urban grant program and Section 18 rural grant program will have their shares of transit formula program funds increased, and the Federal share of Section 3 capital grants will increase from 75% to 80%.

Funding levels will increase for programs administered by the National Highway Traffic Safety Administration, including the Section 402 Highway Safety Grant Program and Highway Safety Research and Development Program, as well as the Federal Highway Administration's Section 402 Grant Program and Drug Recognition Expert Program.

FLEXIBILITY: MEETING DIFFERENT NEEDS AND LIMITATIONS

The Committee feels that one of the most important things this legislation can do is give state and local officials the flexibility to make the crucial decisions on how their funds should be used. They will have the ability to choose the best transportation solution without the artificial constraints of funding categories.

Flexibility may be applied differently from state to state. For those with congested urban areas, flexibility may mean more transit solutions, while for rural states or those experiencing economic growth, flexibility may mean more highways.

However, flexibility has its limits, and a system in which each state has complete flexibility to use its funds for any purpose is no system at all. Rather than removing all national focus from the program and permitting balkanization among the states, the Committee believes that the right balance between these competing concerns is to have a national focus in the bill in order to most effectively advance the national goals of integrating the nation and moving goods and people in interstate and foreign commerce, while providing states sufficient flexibility to meet their unique problems.

In H.R. 2950, flexibility is a key component of program restructuring. First of all, a new and highly innovative State Flexible Program is created, providing states with funds that can be used for any highway or transit capital project eligible under Federal law in urban or rural areas.

In addition, both the Urban and Rural Mobility Programs, which replace the existing urban and secondary programs, would be available for both highway and transit projects. Finally, a state could transfer up to 25% of its National Highway Program apportionment to its Urban or Rural Mobility Program without any conditions. It could also transfer up to another 10% with the Secretary's approval if the state demonstrates that its Interstate System is being properly maintained.

In the vitally important area of highway safety, flexibility is again assured. The bill combines the Hazard Elimination and Rail-Highway Crossings programs into one flexible safety program and at an authorization level amounting to 3.5% of the total funds authorized for the five new programs under the restructured surface transportation program.

Where the combined program is concerned, the current funding levels for Rail-Highway Crossings and Hazard Elimination will remain fixed. Any additional amount would, at state discretion, be available to fund eligible projects under either the Hazard Elimination or Rail-Crossing program.

INTERMODAL TRANSPORTATION: MOVING PEOPLE AND GOODS

If balkanization among the states vis-a-vis a national system is to be avoided, it is equally important that balkanization among the Nation's transportation modes be avoided as well.

If we seriously expect to be competitors in the global economy, we can no longer afford to keep our highways separate from mass transit, keep railroads isolated from ports and have inadequate surface transportation connections to airports.

It is essential that the short-sighted policy of maintaining separate and disconnected transportation components be replaced with a cooperative, coordinated national intermodal system using all available resources in both the public and private sectors.

Intermodality simply means using just such a coordinated, flexible network of diverse but complementary forms of transportation to move people and goods in the most energy-efficient manner. The intermodal system must include all forms of transportation—highways, mass transit, inland waterways, and rail—in a unified, connected manner that uses the most efficient form of transportation at all times. That must especially include access to airports, harbors, and inland waterways, which literally are links to world commerce.

By reducing transportation costs, these intermodal systems will enhance American industry's ability to compete in the global marketplace. Those systems already in place and systems of the future, such as magnetic levitation, will all work cooperatively to reduce energy consumption and air pollution while promoting economic development.

Intermodality will provide transportation users in the 21st Century with needed access to commercial and population centers, business locations, and the Nation's rural areas. It will also provide links to other forms of transportation and to intercity connections.

The Committee bill states that it is the policy of the United States to encourage and promote development of a national intermodal system, and it provides for an Office of Intermodalism, with DOT having responsibility for establishing an intermodal transportation data base to collect and disseminate information on intermodal transportation and to coordinate federal research on the subject. It sets up a program for the Secretary to make grants to certain states to develop model state intermodal transportation plans.

Clearly, intermodality and flexibility are paramount issues in the process of developing an integrated system that will obtain the optimum yield of America's resources.

GLOBAL COMPETITION: THE NEXT FRONTIER

The world stage is where the action will truly be in the new century. The issue before the Committee and the Congress is how best to reshape our national transportation infrastructure to provide the economic underpinnings for the Nation to compete internationally.

No longer can we rely on the sheer size of our economy to dominate our international economic rivals. Our economy simply is no longer a separate entity but is, in fact, part of the global marketplace, and our future economic prosperity depends on our ability to compete in that marketplace. Already one-fourth of our Nation's economic activity takes place there, and that is just the beginning.

Our Nation's reduced capital investment over the past 20 years has permitted foreign rivals who have invested in their own futures to far surpass our productivity growth. Japan, West Germany, France, Italy, Great Britain and Canada have all invested more

of their fiscal resources on their infrastructure and, as a consequence, have shown greater productivity growth.

By the same token, the reduced productivity growth in the United States over the past two decades coincides directly with our reduced infrastructure capital investment and decline in real wages.

Numerous studies have substantiated the relationship between productivity and competitiveness, and bold leadership is needed to turn this correlation to our benefit. The noted and highly respected economist, David Aschauer, projects that at current employment rates, 20 years of an added \$25 billion in infrastructure involvement will result in \$3,200 in increased productivity per year for each American worker in 20 years, or \$378 billion annually.

In addition, we would have a 23% increase in the productivity growth rate for the projected annual rate of 2.2% to 2.75%. Within 20 years, the added investment will increase corporate profit margins up to 10% and create a \$35 billion increase in private investment above current projections.

ENERGY EFFICIENCY: THE NEW REALITY

The intermodal transportation system must also provide the Nation with the kind of economic foundation that will lead to a reduction in the intolerable and dangerously high level of oil imports which threaten our critically important economic independence. These imports have increased by more than 60% since 1985, and by the end of the next two decades, they will comprise 65% of our oil supply.

This has important consequences for America's transportation system and its national economy, because fully 63% of our oil resources are devoted to transportation, and two-thirds of that are for automobiles.

This is a substantial increase from the 51% recorded during the first Arab oil embargo in 1973. Oil used for transportation has increased by 20% since that year. Without question, transportation policy is fundamentally an energy policy. And the stakes are too high to leave America's fate in the hands of others outside our borders. The destruction and disruption produced by the Persian Gulf War have demonstrated the unacceptably high risk of having our oil supplies controlled by unstable and volatile nations.

This situation has been drastically transformed by the provisions of the Clean Air Act Amendments of 1990, which have directly linked air pollution with transportation, an overriding point that is a critical element in our transportation strategy. Those amendments, which were approved nearly unanimously by Congress and signed by the President, specifically mandate that states failing to reduce air pollution risk a cutoff of transportation funds.

The amendments impose tighter limits on auto emissions, as well as tough requirements for the overhaul of utilities, industries, and incinerators to reduce the emission of carcinogens and airborne toxics. They also tie transportation planning to clean air goals, prohibiting Federal funding for projects that fail to comply with pollution reduction goals.

Since over half the carbon monoxide and ozone in the atmosphere can be attributed to automobiles, nonattainment areas will not be able to reduce air pollution unless we provide the necessary resources to improve and upgrade our transportation system.

This legislation provides a great opportunity to improve our energy efficiency and reduce our dependence on foreign oil. Under H.R. 2950, each state would be required to spend a percentage of its State Flexible Program funds in clean air nonattainment areas equal to the percentage of its population living in those areas, up to 50%.

Thus, if 30% of a state's population lives in nonattainment areas, the state would be required to spend at least 30% in nonattainment areas. If 70% of a state's population lives in nonattainment areas, at least 50% would be required to be spent in those areas. These are minimum percentages, and each state could choose to spend more of its State Flexible Program funds in these areas.

Energy and clean air stand as twin signposts of the need for a change of course on the way to the next century, and with bold and courageous leadership, the Nation will be equal to that challenge of change.

MAKING THE INVESTMENT: A "NICKEL FOR AMERICA"

If we are to rebuild America's vital public facilities, develop an effective intermodal transportation system, enhance American competitiveness in the world economy and make America more energy-efficient, we must make the necessary financial investment.

It is going to cost Japan \$3.5 trillion in the next 15 years to rebuild its infrastructure, and we can expect a multi-trillion investment as well if we expect to do what is necessary to achieve the new economic wealth of this Nation.

H.R. 2950 takes an important first step with the recommendation of a 5-cent gasoline tax increase, to be expended for vital transportation needs and to be invested strictly on a pay-as-you-go basis outside but not conflicting with the spending caps in the 1990 budget agreement. The 5-cent increase would be comprised of 4 cents for highways and 1 cent for transit.

This will be a "Nickel for America", with a purpose much like that of the Organization of Petroleum Exporting Countries, which proposes to raise the price of crude oil to \$23 per barrel to help rebuild Kuwait. The Nickel for America is needed to rebuild this Nation, and not to maintain the status quo, but to meet the challenges of the 21st Century. It will help make possible the charting of an audacious and bold new direction in the Nation's transportation policies.

Yet, while raising the gas tax is one thing, spending it for infrastructure needs is quite another. We already have over \$10 billion sitting idle in the Highway Trust Fund, and half of the 5-cent gas tax passed only last year has been diverted to reduce the Federal deficit. By using this money to shield the deficit, we are neglecting the need to invest in rebuilding the Nation's infrastructure and are short-changing the one tried and true path to economic prosperity.

The Highway Trust Fund, with its Mass Transit Account, contributes not one dime to the deficit, and it provides a stable and

predictable source of funding on an equitable basis to allow the Committee to address both short- and long-term needs.

The Fund has had an impressive track record since its creation by Congress in 1956. It received revenues from the imposition of a nine-cent tax on gasoline and 15 cents on diesel fuel until the Omnibus Budget Reconciliation Act of 1990 added an additional five cents to existing fuel taxes. Unfortunately, even though monies in the Trust Fund are dedicated to the highway and transit needs, 2½ cents of the additional 5 cents were diverted to the general fund of the U.S. Treasury for deficit reduction purposes.

While income to the Trust Fund has generally increased over the years, along with earned interest, a large balance exists, in large part, because of funds that are not obligated for highway and transit projects. Congressionally-established ceilings constrain the Federal funds available to states to spend on highway projects. In fact, of the \$10.6 billion balance in the Highway Trust Fund, obligation ceilings accounted for approximately \$8 billion of that balance.

Further exacerbating the situation, the funds that are restricted from obligation in one year carry over to the next year, when newly-imposed obligation ceilings further restrict states from spending these funds. Thus, the margin between funds which states may obligate as defined by the ceilings and the funds which could be available for state spending widens further.

While the Highway Account of the Trust Fund shows no unobligated balance, due to the existence of firm commitments of over \$30 billion for long-term highway projects, this ignores the projected revenue stream over the same period that will, by law, be sufficient to meet those commitments, and actually will very likely exceed those obligations.

Since the Federal Highway Administration admits that a balance of some \$1-3 billion is sufficient in the Fund to cover any unexpected revenue drop, it is easy to see that the difference between the current \$10 billion balance and a \$1-3 billion minimum balance could be expended for Federal highway programs. This means that billions of dollars are available for a one-time increase in authorizations.

Because of the ever-mounting balance in both the Highway and Aviation Trust Funds, the Committee has attempted over the years to pass legislation that would remove these funds from the Unified Federal Budget. Taking the Highway and Aviation Trust Funds off budget could remove the incentive for establishing obligation ceilings below what the user fees will support because receipts and outlays of the trust funds would no longer be used for Federal deficit calculation.

A number of the attempts to take these trust funds off budget have been extremely close, with an Aviation Trust Fund off-budget amendment failing adoption in the House by 17 votes in 1985, and again in 1987, by only five votes.

In August of 1990, the Committee marked up H.R. 5315, which would have removed the Transportation Trust Funds from the Unified Budget should the Social Security Trust Fund be removed from Federal budget calculations or October 1, 1990, whichever event occurred first.

The Committee continues to feel that it is outrageous to collect tax dollars under the pretense of paying for roads, bridges, and mass transit, and then not use the money for those purposes. The Federal government is breaking faith with the users of our transportation system in the most grievous manner, and it appears that taking the Highway and Aviation Trust Funds out of the Unified Budget is the most effective, if not the only means of ending this long-standing and deplorable practice.

INNOVATIVE TECHNOLOGY: TRANSPORTATION OF THE FUTURE

Since the Nickel for America is an investment in the Nation's future, the Committee feels that we should not be constrained by existing transportation technologies. As part of our visionary approach to new infrastructure investment policies, we advocate the continued development and utilization of systems of the future.

Accordingly, the bill provides several programs and funding to give these systems an impetus, including an Applied Technology program for highway, transit and intermodal transportation systems; and an International Transportation Outreach Program within DOT to promote U.S. technology and inform our transportation community of innovative technology developed abroad.

It is essential that we bring the use of advanced technologies to our transportation system. We cannot afford to let our foreign rivals seize the initiative on systems that are developed right here in this country. Such was the case with the development of magnetic levitation, or MagLev. We should be a leader in this technology, but instead, we find ourselves behind.

MagLev has the unique ability to move passengers on a magnetic field at high speeds and to increase the kind of efficiency in mobility that has the potential to produce important economic benefits for the Nation, as it seeks to compete with others in the global marketplace.

Another system utilizing advanced technology is Intelligent Vehicle and Highway Systems (IVHS), or Smart Cars. IVHS is essentially a group of technologies applied to both vehicles and highways with the goal of getting people to their destination as efficiently as possible. They include advanced transportation management systems, advanced driver information systems, and commercial vehicle operations.

In H.R. 2950, the Committee authorizes an IVHS program to promote the use of the technology in this country. It provides funding for an IVHS Corridors program to carry out research, development and operational testing.

These systems offer improvement in mobility, safety, and the environment. Improvement in energy efficiency reduces congestion and enables the selection of better routes. Fuel savings, reduced emissions, and reduced noise levels are all environmental benefits to be derived from IVHS. They could well be part of the highways of the future.

Advanced Vehicle/Highway Systems (AVHS) is another available innovative technology. It covers a number of independent vehicle and road technologies and offers potential for reducing congestion and the air pollution it creates, and for improving highway safety.

AVHS includes technologies for collision, warning and avoidance, driver information and route guidance, automatic vehicle control, and automatic vehicle identification and billing.

These are among the technologies that are available now, and if we are to meet the challenges of the coming decades, we must make a commitment to these kinds of technologies. The unthinkable alternative is to fall even further behind our foreign competitors.

BUILDING TOGETHER: PUBLIC-PRIVATE PARTNERSHIPS

Equally important with making the needed investment in infrastructure and utilizing all available technologies is the full participation of both the public and private sectors in that effort.

With estimates of the Nation's surface transportation needs for the coming decade amounting to hundreds of billions of dollars, the resources of all levels of government—Federal, state and local—will be required. In addition, we will need to tap the wealth of private sector expertise and resources that must also play a major role in our infrastructure effort. There are simply so many demands today on our government resources at all levels that the Nation must look to the private sector as more of a partner if our national transportation goals are to be reached.

Public investment in infrastructure makes public capital available to support private sector production. Having the infrastructure in place enables the private sector to conduct commerce in goods and services both domestically and in foreign markets. Public transportation and other public facilities are also extremely beneficial to industry's daily output of those goods and services.

Both private and public capital investment contribute to productivity growth. Economists have concluded that a sustained high rate of public capital formation tends to increase private sector capital productivity and, therefore, increased rates of return.

Unfortunately, as private sector capital increased by about 51% between 1975 and 1985, public works investment fell by 6% over the same period. Some economists have warned that the growing imbalance between public and private investment means America is not getting as much as she could for every dollar of private investment. The resulting loss of productivity limits the growth of our national economy and our ability to compete in world markets.

Even though public agencies form the cornerstone in building and operating public works, infrastructure services involve both private and public spending. Consider that while the Nation has 3.8 million miles of highways, for every public dollar spent to build and operate those roads and bridges, private firms and individuals spend \$15. Likewise, in the Nation's aviation system, for every public dollar spent, the private sector spends \$9 on civilian and commercial aviation.

The private sector clearly plays an important role in providing public works services. For example, 28 states permit private waste collection and disposal, and 24 states permit private sewer and water facilities.

In fact, the private sector owns and operates about one-quarter of all water supply systems, serving some 16% of the U.S. population.

Three-fourths of the Nation's 5,900 airports open to the public are privately owned and operated. Hundreds of public transit agencies contract with private firms for some or all of their services. Moreover, developers usually build local roads, sewers, water lines, and storm drainage facilities on sites they develop.

The public-private partnership is important and should be encouraged. From the Federal perspective, one of the ways to approach infrastructure improvement would be to ease unnecessary Federal constraints preventing the mixing of Federal dollars with private funds on projects. One area in which this can be done is through the use of Federal funds on privately operated toll roads.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 authorized seven toll projects financed with Federal-aid funds and in conjunction with tolls for the construction of new non-Interstate toll roads or expanded capacity on existing non-Interstate highways. With the addition of two toll pilot projects, the total currently stands at nine.

The Federal share of these projects cannot exceed 35%, and toll revenues can only be used on the tolled facility. In addition, the toll facilities currently must be publicly owned and operated, and Federal funding for a toll facility can only be used for original construction, reconstruction, or acquisition.

H.R. 2950 permits Federal participation in the construction of a toll road, bridge, or tunnel, with a Federal share up to 35% as determined by the state. Operation and maintenance of existing toll facilities and conversion of existing free facilities in conjunction with major expansion projects are included. However, tolls are not permitted on untolled segments of the Interstate Highway System.

The bill provides that toll facilities may be publicly or privately operated, departing from current law which requires that they be publicly operated. Whether the toll facilities are publicly or privately operated, the State Transportation or Highway Department must be a party to an agreement.

The tolls received must be applied to the repayment of all construction costs, and upon repayment of those costs, the states may continue their tolls, and the toll revenues may be used for other transportation purposes.

PLANNING FOR THE 1990's

The involvement of all levels of government and the private sector in developing a national intermodal system begins with strategic planning.

The planning begins with a clear understanding of infrastructure needs and the options available to respond to them. Needed is an improved understanding of what must be done, what can be done within the limits of available resources, and a prioritization of needed infrastructure projects. Levels of revenue available should also be identified, along with the consideration of contingencies in the event of revenue short falls. The result will be improved public and private sector investment choices and wise utilization of tax dollars.

Specific projects need to be identified, ranked and selected to be included in a capital budget. The Federal government is found want-

ing in this area. It lacks a public works investment strategy because it does not distinguish between capital and operating expenditures in its budgeting process. To their credit, all states governments and private corporations do this as a matter of routine.

One of the prerequisites in a rational planning process is the compilation of an inventory of public facilities and an assessment of the condition of existing facilities, neither of which the Federal government has done. Because there is no coherent national public works investment strategy to set investment needs and the means by which they will be met, the requirements of our vital public facilities cannot be systematically and carefully considered when viewed against the needs of competing public investment responsibilities. Coherence and stability are needed in the way in which the Federal government considers its public works investments, and the first step in that direction should be the creation of a national capital budget.

The Federal government, states, and local governments should also be required to develop transportation facilities in a coordinated manner so that particular facilities are not built in isolation. This intermodal planning should be conducted in concert with planning for clean air, congestion management, and other purposes to guarantee that the best and more energy-efficient alternatives are selected.

H.R. 2950 does, in fact, establish a single intermodal planning process, which is intended to apply to the development and implementation of surface transportation programs and projects, including those related to highways and mass transit.

The intermodal planning process emphasizes the central role of the states in administering the Federal program. It also accommodates the special needs and expertise of the Nation's urbanized areas. Of particular importance, the process demonstrates flexibility in accommodating the different needs and circumstances existing among the states.

The selection of transportation projects receiving Federal aid will be based on a long-range transportation plan and a transportation improvement program, consisting of an intermediate-range plan of and an annual or biennial plan.

Metropolitan Planning Organizations (MPO's) and states will cooperatively develop the long-range transportation ~~plan~~ and transportation improvement program for urbanized areas. For non-urbanized areas, the state will develop these plans and programs. Updating the long-range plans will be required at least every five years, while the transportation improvement programs must be updated at least every two years.

Based on these plans and programs, the state will develop an annual program of projects. The program will include projects that will actually receive Federal funding in the next year. Although under existing law, projects funded with Urban System funds are chosen by the MPO with the concurrence of the States, H.R. 2950 removes the state veto on project selection by providing that Urban Mobility Program-financed projects in urbanized areas will be selected by MPO's in consultation with the state.

Projects in urbanized areas financed with other Federal funds will be selected by the state, in consultation with the affected

MPO's based on the transportation improvement program. The state will also select projects in areas outside of urbanized areas.

Urban areas with populations over 200,000 will receive urban mobility funds according to the relative population in each urbanized area. Additionally, the obligation authority connected with these funds will also be attributed to these urbanized areas. If the state and MPO representing an urbanized areas agree, all of a portion of the urbanized area's share of the state's obligational authority may be transferred to another urbanized area.

The Committee bill also substantially strengthens the planning requirements by requiring the adoption of management systems and by more specifically listing the factors to be considered in the planning process.

LESSONS FROM THE PAST: OPPORTUNITIES FOR THE FUTURE

The Public Works and Transportation Committee has a long and distinguished history of building America. The Committee and its predecessors have helped move the Nation from a largely agrarian economy to one of dynamic industry and commerce. This dramatic transformation was spawned by mobility, and a solid transportation infrastructure was the great facilitator of that mobility.

We have struggled, we have slipped, we have adjusted, and we have succeeded in linking all regions of the Nation with a massive Interstate highway network. In accomplishing that feat, earlier generations made sacrifices, fact responsibility and showed tremendous vision in carrying the Nation from a road system built to facilitate rural mail delivery, when the crunching congestion of highways and airports was beyond the imagination, to the superhighways, subways and hub airports of the 20th Century. For most of that time, our progress was interrupted only by war, and our rivals abroad were only on the battle field.

Today, they are in the boardrooms of foreign corporations, where they pose enormous competitive obstacles to our continued economic prosperity. Our energy supplies are as much threatened by the oil-pricing policies of oil-producing nations in the Middle East and elsewhere as they are by war.

Moreover, the marvelous transportation infrastructure built by those before us is beginning to deteriorate from underinvestment and deferred investment. We now realize, as well, that the lack of any consideration to intermodality in the system that was built has resulted in the development of transportation modes in isolation, without any regard to having them connect to the rest of the transportation system.

Our Nation is clearly at a critical juncture. We must move beyond the era of separate transportation systems meant to unite the Nation and promote domestic commerce.

We have indeed been successful in uniting the Nation through these separate transportation systems. The challenge of the next generation is making these separate systems function as a state-of-the art intermodal network that will link the United States with a global commercial network and will give our Nation an advantage in competing on world-wide economic basis.

Just as the Interstate Highway System fueled the economic growth of our Nation over the last 35 years, so this national intermodal transportation policy will do the same in the next century.

We will utilize the investment of both public and private capital to create the new wealth of the Nation in the 21st Century. And the creation of new wealth is not simply roads and bridges for their own sake. Our investment in infrastructure provides the fundamental foundations for the Nation for the critically important purposes of moving both people and goods in the most energy-efficient manner possible for an even better quality of life for the rest of this century and the next.

The Intermodal Surface Transportation Infrastructure Act of 1991 is the instrument through which we will begin this process. It has been thoroughly researched, with input from individual citizens and both government and non-government organizations all across the country. It has been meticulously drafted to produce a document that will move this Nation forward by promoting intermodality, enhancing national productivity, strengthening international competitiveness and protecting environmental quality.

Title I—Highways

INTERSTATE COMPLETION

The Nation's commitment to develop the Dwight D. Eisenhower System of the Interstate System was initiated under the authority of the Federal-Aid Highway Act of 1944. The original authorization of the Interstate and Defense Highways was designated with a mileage limitation of 40,000 miles in total length, which has been extended to approximately 43,000 miles. The purpose of the Interstate System was to connect routes to principal metropolitan areas, cities and industrial centers, to serve the national defense and to connect at suitable border points with the routes of continental importance in the Dominion of Canada and the Republic of Mexico.

It was not until the enactment of the Federal-Aid Highway Act of 1956 which created the Federal Highway Trust Fund that the focus for completion of the Interstate System began to be realized. Today, 99 percent of the system is open to traffic. The Intermodal Surface Transportation Infrastructure Act of 1991 authorizes sufficient funds to complete the remaining cost to complete the Interstate System.

FEDERAL-AID HIGHWAY SYSTEMS STRUCTURE

The four major Federal-aid highway systems consist of the Interstate, primary, secondary, and urban systems. These systems consist of 848,756 miles of highways which represent 22 percent of all public road mileage and carries over 82 percent of the travel.

The Interstate consists of approximately 43,000 miles of limited access arterial highways linking major population, industrial and defense corridors. The Interstate System was designed to serve interstate commerce, national defense and international movements while providing interconnectivity by terminating at other Federal-aid primary and urban systems.

The Federal-aid primary system was authorized by the Federal Highway Act of 1921. Originally, the primary system was required to consist of interconnected roads, interstate in character to be designated by the states. In 1976, the Congress realigned the primary system to better reflect the interstate functions. The primary system consists of both urban and rural arterial routes serving interstate, regional and statewide travel made up of 258,120 miles of highways.

The urban system was established by the Federal-aid Highway Act of 1970 to address transportation needs in urban areas. The urban system serves major urban activity centers, and includes high traffic volume arterial and collector routes, including access roads to airports and other transportation terminals. State and local officials designate the routes to facilitate intracity movements.

The secondary system was established in 1944 to meet farm-to-market needs. It consists of principal and feeder roads linking farms, distribution outlets and smaller communities with the Federal-aid primary system.

The Intermodal Surface Transportation Infrastructure Act of 1991 will restructure the four major Federal-aid highway systems plans the two safety construction programs (hazard elimination and railroad highway crossings) into five new programs; the National Highway Program, Urban Mobility Program, Rural Mobility Program, Combined Safety Improvement Program, and State Flexible Program.

Flexibility is a key component of the restructured highway programs. First of all, the State Flexible Program would be available to the state for any highway or transit capital projects in urban or rural areas. Secondly, both the urban and rural mobility programs would be available for highway and transit capital projects. Thirdly, a state would be able to transfer up to 25 percent of its National Highway Program apportionment to its Urban or Rural Mobility Program without conditions, and up to an additional 10 percent with the Secretary's approval if the state can demonstrate that its Interstate System is being maintained. Finally, a state may transfer 100 percent of the funds apportioned under the National Highway Program if over 90 percent of the land area of the state is within nonattainment areas.

The National Highway System will consist of the Interstate System, the Strategic Highway Network, and principal arterial routes from the primary system. The Secretary through coordination with state and local governments will propose a National Highway System of 155,000 miles that could be adjusted by 15 percent. The National Highway System designation will require approval by Congress.

The Urban Mobility Program will consist of the existing Federal-aid urban system and principal arterial routes in urban areas that are not a part of the National Highway System. Funds made available under the urban mobility program may be used for the construction of highway projects and transit capital projects. The Metropolitan Planning Organization (MPO) in the urban area will have the authority, along with the state, to determine its transportation priorities.

The Rural Mobility Program will consist of the existing Federal-aid secondary system and the arterials not on the National Highway System. It provides funding for not only highway improvements for mobility and accessibility to rural communities, recreational areas and other activity centers but also the flexibility to use these funds for transit capital projects. The present secondary system nationwide is about 400,000 miles. The Federal-aid primary system rural mileage that does not meet the National Highway System criteria will be eligible for inclusion in the Rural System. About 125,000-150,000 miles is expected to be added to the existing secondary system to constitute a 525,000-550,000 mile rural Federal-aid system. Roads functionally classified as rural minor collector or rural local are not eligible for inclusion in this rural Federal-aid system; however, funding for off system safety and bridge improvements are eligible under other programs.

The State Flexible Program is an innovative program that for the first time provides each state with funds that can be used for any highway or transit capital purpose eligible under Federal law. Thus the state can use these funds for any purpose that is eligible under the National Highway Program, the Urban Mobility Program, the Rural Mobility Program, or the Combined Safety Improvement Program.

Under the Committee bill, each state would be required to spend a percentage of these funds in clean air nonattainment areas equal to the percentage of its population living in nonattainment areas, up to 50 percent. Thus, if 30 percent of a state's population lives in nonattainment areas, the state would be required to spend at least 30 percent in nonattainment areas. If 70 percent of a state's population lives in nonattainment areas, at least 50 percent would be required to be spent in nonattainment areas. These are minimum percentages; each state could choose to spend additional portions of its State Flexible funds in these areas.

This legislation combines the Hazard Elimination and Rail-Highway Grade Crossings programs into one flexible safety program, at an authorization level which represents 4% of the total funds authorized for the five new programs under the restructured highway program.

Within the combined program, the current funding levels of \$160 million for Rail-Highway Crossings and \$170 million for Hazard Elimination would remain fixed, and any additional amount would be available for funding eligible projects under either the Hazard Elimination or the Rail-Crossing programs, at the discretion of the state.

Also, in terms of funding, the restructured Federal-aid highway program assumes that 49% of the funds will go to the National Highway System, 17% to Urban Mobility, 13% to Rural Mobility, 17% to State Flexible and 4% to the Combined Safety Improvement Program.

HIGH PRIORITY CORRIDORS ON THE NATIONAL HIGHWAY SYSTEM

A major initiative of the bill is the development of high priority corridors on the National Highway System. The purpose of the provision is to identify and provide for the development of highway

corridors that will improve the efficiency and safety of commerce and travel and promote economic development. These corridors are in regions of the country that are not adequately served by an Interstate System or comparable highway.

For all of these corridors, both long-range planning and specific feasibility studies will be carried out by the Secretary and the states cooperatively. The bill provides specific funding for priority projects on segments of these corridors that are ready to proceed. In addition, since this special funding will generally not be sufficient to complete work on these segments, the bill requires states to give priority to funding these segments with apportioned funds. By emphasizing the development of corridors, the Committee believes that the national interest in an integrated system of highways will best be served.

FUNDING

(1) NICKEL FOR AMERICA

Critical to supporting funding levels provided in this Act is the Nickel for America—a five-cents-per-gallon increase in the gasoline tax. With it, we begin the enormous task of rebuilding America. Without it, we place a system which was once a source of pride in even greater peril.

Overall, the bill provides approximately \$153.5 billion to support and enhance our Nation's surface transportation system. Technically that figure is slightly higher to reflect the budget resolutions allocations regarding highway and motor carrier safety programs. Of that amount, \$121.5 billion is provided for highways and \$32 billion for mass transit. Comparatively speaking, the Administration's bill totalled \$103.1 billion and the FY92 Budget Resolution, \$120.5 billion. The critical difference in meeting our core infrastructure needs is the Nickel for America.

Even with the Nickel for America we cannot meet our current surface transportation needs. The Committee believes that rebuilding our capital stock is a major responsibility. If the Nickel for America represents the most we can do at this time, it is also the least we must do if we are to upgrade basic surface transportation systems and thereby strengthen the competitive position of our economy.

In assuming the availability of revenues from a 5-cents-per-gallon increase in the gasoline tax, H.R. 2950 also assumes an annual allocation of those revenues between the highway and mass transit accounts in the Highway Trust Fund at 80 to 20 percent respectively. In doing so, the Committee reaffirms its commitment to significant increases in mass transit funding by setting levels of at least \$6.4 billion per year—a doubling of the program of the last ten years.

On the basis of the allocation of the Nickel and the budget resolution allocations, the bill provides budget (contract) authority for Federal-aid highway, highway safety and motor carrier safety programs of \$19.851 billion for FY92; \$22.156 billion for FY 93; \$24.476 billion for FY94; \$26.777 billion for FY95; and \$29.577 billion for FY96. The Committee believes these levels are minimal in meeting programming needs.

Of equal importance to the Committee is to ensure that the Nickel for America be spent and that it not violate last year's budget agreement.

As part of that agreement a gasoline tax was included with one-half of the revenues going to deficit reduction and the other one-half to the Trust Fund. However, because of the budget agreement spending caps and the assumptions included therein, spending the Trust Fund portion is not likely. The Committee vigorously opposed this effort last year both as violative of the dedicated user fee principle and as contrary to the goal of meeting our pressing infrastructure needs.

The Committee continues to remain steadfast in its conviction that gas tax revenues must be collected for and spent on highway-transit programs. So, too, is it with the Nickel for America, and the Committee believes that the pay-as-you-go program provided in the bill will ensure that will happen.

Under the pay-as-you-go process created by the Budget Enforcement Act, legislation proposing new direct spending must be offset so that the net deficit is not increased. With respect to the Nickel for America, sec. 104(a) and (b) of the bill specifies that the budget authority and accompanying outlays shall be considered direct spending for pay-as-you-go and deficit control purposes. Subsection (e) further provides that the enactment of the gas tax increase shall not result in any increase in the discretionary spending limits of last year's budget agreement and shall not be construed as a change in classification, concepts or definitions of that agreement. Accordingly, enactment of the Nickel for America does not violate the Budget Agreement. Rather, in meeting the test of pay-as-you-go, it conforms both to the spirit and letter of that agreement.

Sec. 104(e), in stipulating that the spending attributable to the gas tax increase shall be available for obligation without limitation, reflects the Committee's intent that spending of the Nickel is over and above the obligation ceilings provided in sec. 102(a) of the bill.

To ensure that the pay-as-you-go highway funds are guaranteed to the states and that their pay-as-you-go status continues to be clearly identified through the apportionment process, subsection (f) requires the Secretary to notify each state of its estimated apportionments under this title and the percentage of those to be treated as pay-as-you-go budget authority. That percentage shall be the percentage which the revenues derived from four cents of the five-cents-per-gallon tax increase is of the total budget authority to be apportioned. Each state will then notify the Secretary which budget authority to be apportioned to it shall be treated as pay-as-you-go. When funds are apportioned, the Secretary shall designate as pay-as-you-go those funds identified by the state. Again, these funds shall not be subject to obligation limitations and shall be considered direct spending for purposes of the Balanced Budget Act.

The Committee believes that this approach has a number of advantages: it guarantees that the Nickel for America will be spent; it does so in a way that does not violate the Budget Agreement; and it leaves with the states the choice of which programs will receive the guaranteed source of revenues.

Because of the way that the pay-as-you-go process works under the Balanced Budget Act, the Committee is concerned about excess revenues generated by the Nickel for America. Since the test for pay-as-you-go is revenues versus outlays, the most that may be spent is an amount equal to revenues. However, because of the historical spending patterns of both the highway and transit programs, this will not be the case, at least in the early years. Technically, if the revenues are not being "spent", they are excess and can be used to support other pay-as-you-go programs.

To guard against this, subsection (d) is intended to clearly prohibit the use of any excess revenue attributable to the Nickel for America for deficit-increasing legislation for any program other than as provided by this Act.

(2) OBLIGATION CEILINGS

The Committee intends that the entire amount of budget (contract) authority provided in the bill shall be available for obligation.

Specifically for the Federal-aid highway program, the bill provides obligation ceilings in section 102, as follows: \$12.999 billion for FY92; \$14.452 billion for FY93; \$16.687.5 for FY94; \$19.050 billion for FY95; and \$21.435.1 for FY96. These limitations do not apply to obligations for various programs including, but not limited to, emergency relief, minimum allocation and special projects. Most importantly, over and above both the obligation ceilings and exemptions would be obligations associated with spending all of the Nickel for America.

In addition, the Committee has become increasingly concerned about the steady rise in the cash balance of the highway account of the Highway Trust Fund. The Committee feels that the artificial constraints imposed by the budget process for the past decade have broken faith with the commitment to spend the dedicated user fees. In an effort to begin to address this issue, the Committee also assumes a \$500 million per year drawdown of the Highway Trust Fund balance.

Accordingly, total obligations for the Federal-aid highway program, as provided in the bill, are the obligation ceilings enumerated in sec. 102 plus obligations associated with exempt programs plus obligations attributed to the Nickel for America plus a \$500 million per year drawdown from the highway account of the Highway Trust Fund.

(3) APPORTIONMENT OF FUNDS

The Committee proposes a revision of apportionment formulas. The formulas are intended both to reflect the needs of particular programs and to achieve a greater degree of equity among the states than has existed in the past. At the same time, the bill continues the minimum allocation program at the 90 percent level in order to ensure equitable treatment of states.

The formulas for the newly restructured programs are a mixture of old and new factors:

- (1) The State Flexible Program is apportioned on the basis of a state's relative contributions to the Highway Trust Fund.

This is a formula that provides complete equity and also reflects the particular program which is available for any transportation purpose.

(2) The formula for the National Highway System combines diesel fuel use ($\frac{1}{3}$), vehicle miles of travel (urban $\frac{2}{3}$, rural $\frac{1}{3}$), and lane miles (urban $\frac{2}{3}$, rural $\frac{1}{3}$). This formula emphasizes use factors, thus reflecting the needs of the National Highway System.

(3) The Urban Mobility System is apportioned on the same basis as the current Federal-aid urban system is apportioned: the relative share of population in urban areas. This formula is designed to distribute funds on the basis of the greatest urban needs.

(4) The Rural Mobility System apportionment is based on rural factors: $\frac{1}{2}$ on the basis of rural lane miles and $\frac{1}{2}$ on the basis of rural population.

(5) The Combined Safety Program continues the existing formulas for the Rail-Highway Crossing program and the Hazard Elimination Program ($\frac{1}{2}$ each).

The Committee has also included in the bill a hold harmless provision. This provides that if a state receives less in apportionments in 1992 than it received in 1991, it will receive an additional apportionment in 1992, and in each subsequent year of the bill in which it receives less than in 1991. The additional apportionment will be the amount necessary to bring the state up to the 1991 level.

The Committee considers the continuation of the Minimum Allocation to be an important element of ensuring the equitable allocation of funds among the states. It is important to emphasize that the formulas themselves go a long way to reducing previous inequities. However, no combination of formulas that are designed to achieve programmatic results will achieve the desired level of equity. Therefore, the Minimum Allocation Program needs to be continued.

One important change that the Committee is proposing in the minimum allocation program is to remove discretionary grants from the calculation. This eliminates a significant problem that minimum allocation states have had since 1987, when the minimum allocation program was changed to include discretionary grants within the computation. The effect of that change was that any time a minimum allocation state received a discretionary grant, its minimum allocation would be reduced in the next fiscal year by the same amount. Thus, minimum allocation states currently receive no benefit from a discretionary grant, while other states get the full benefit of such a grant. By removing discretionary grants from the minimum allocation calculation, the Committee is eliminating this inequitable treatment of minimum allocation states.

In conjunction with taking discretionary grants out of the calculation, the Committee proposes to increase the minimum allocation level to 90 percent from 85 percent.

FEDERAL SHARE

The importance of a meaningful and sustained Federal commitment to transportation infrastructure investment is a strongly held view by the Members of the Committee. The Committee believes the Federal government has a significant leadership role in forming and implementing transportation policy. Considered within that context, the overall level of investment for the Federal surface transportation programs as well as the appropriate levels of Federal investment on a project by project and program basis were considered very seriously throughout the deliberation.

The success of the Federal surface transportation programs has been the strong Federal/state partnership. The Federal government has taken the lead in setting broad national policy goals and providing financing to assist the states. The states have matched the financing, built the systems and own and operate them. This alliance has worked with a relatively high Federal contribution to individual projects. The Committee was not persuaded that there would be any benefit to changing this situation.

Currently, even with high Federal matching ratios, states contribute the bulk of surface transportation spending, over 80%. The Committee believes that to require additional state funds on Federal projects would reduce the overall effectiveness of the Federal program. In addition, increasing the state matching share would divert money from state projects and maintenance activities.

Another issue the Committee addressed in setting its matching shares was the current disparity in matching shares between highway and transit programs. Throughout our hearings, the Committee heard about the effect of unequal matching shares on decision-making and funding decisions. In urban areas particularly, the current inequitable shares cause a bias toward project selection for projects with higher Federal shares, which usually results in a highway project being chosen over a transit project. The Committee was inundated with requests to "level the playing field" so decisionmaking would be more objective and not skewed by funding incentives of one solution over another.

The bill sets Federal matching shares for virtually all the highway and transit programs at 80%. With the increased overall program funding levels for highway and transit programs, the Committee believes the Federal commitment to individual projects should remain high. In addition, the uniform share creates a fair framework for making project decisions.

There are a few exceptions to the 80% match. The funds for completion of the Interstate system, for which this bill provides the final authorization, continue to be funded at a 90% match. In addition, work on the existing Interstate system (resurfacing, rehabilitation, restoration and reconstruction) will be funded at 90%, except for capacity additions which are not HOV lanes. Emergency relief funds in the first 180 days following a disaster will continue to be funded at 100%. Federal lands projects and projects in the Territories will continue at 100%. The Federal share permitted on construction of any toll bridge, tunnel or toll highway will be limited to 35%. Operating assistance for transit systems will continue to be limited to 50%.

In light of the higher overall funding levels in the bill, states are permitted to waive the non-Federal matching share for Federal-aid projects during fiscal years 1992 and 1993, in order to give states time to raise their revenue sources where necessary. Repayment of the non-Federal share is required on or before March 30, 1994. Any amounts not repaid will be deducted from funds apportioned to the state for fiscal years 1995 and 1996.

TOLL ROADS

The bill proposes to make significant changes in law regarding the use of Federal funds on toll facilities. With certain limited exceptions, Federal law now prohibits the use of Federal funds on toll roads, bridges and tunnels.

The concept of user fee funding is basic to the highway program. Users have paid for the construction of Federal-aid highways through dedicated user fees—primarily the Federal excise tax on fuel. While this has been a sufficient source of funds in the past to do necessary work, it has become increasingly clear in recent years that additional sources of funding are necessary to address all of the highway and transportation needs of the Nation.

As in other areas of public works and infrastructure development, private sources of funding are increasingly being recognized as important to supplement existing programs. Public-private partnerships are being organized to blend public and private sources of funding to expedite the construction of necessary infrastructure projects. The private sector has the ability to bring new sources of capital to infrastructure projects and to expedite the completion of projects with the efficiencies of the private sector.

Although the new toll provision in the Committee's bill is modeled after Toll Road Pilot Program enacted in the 1987 Act, there are many significant differences. The provision is general and would permit Federal funding of the following types of toll facilities:

- (1) Construction of a new toll highway, bridge, or tunnel (except on the Interstate System);
- (2) 4R work on an existing toll highway, bridge, or tunnel;
- (3) Reconstruction or replacement of a free toll bridge or tunnel with conversion to a toll facility.
- (4) Reconstruction of a toll-free highway (except on the Interstate System) with additional capacity and full access control, and conversion to a toll facility.

It is important to emphasize that the bill would not permit tolls on currently free segments on the Interstate System, except in the case of the replacement or reconstruction of a bridge or tunnel. In addition, it is important to emphasize that existing toll free highways could not simply be converted to toll facilities. Conversion of a free segment of highway could only be accomplished in conjunction with a reconstruction project that added additional lanes of traffic and full access control to the highway. On existing toll facilities, Federal aid could be provided for any 4R work (resurfacing, restoring, rehabilitating, and reconstructing).

A significant way in which the provision differs from the Pilot Program is that a project would not be required to be publicly

owned. A toll project could be privately owned under an agreement with a public authority under which the private party would design, finance, construct, and operate the facility (or some combination of these). The public authority would remain responsible for meeting the requirement of Federal law. A publicly owned project could also be privately operated.

The Federal share, as in the Pilot Program, could not exceed 35 percent.

Toll revenues would be required to be used first to pay off debt from the project being funded and to operate and maintain the facility during the period of repayment, and would provide a reasonable rate of return on capital invested by private parties. After the period of repayment, the state could use tolls both to operate and maintain the facility and to fund other transportation projects within the state.

TRANSPORTATION PLANNING

An integral component of the Committee bill is the emphasis placed on the transportation planning process, both at the metropolitan level and at the state level. The Committee views comprehensive planning as the key to making the most objective, informed and cost-effective transportation decisions to solve the Nation's mobility problems. During the many hearings held over the last year and a half, the Committee learned that planning processes vary tremendously in process and substance from state to state and between urbanized areas. In particular, concerns were raised regarding the increased responsibilities being placed on planners in light of new Federal requirements regarding air quality and accessibility of transportation systems to the disabled, and the expanded expertise planners would need to handle these new mandates. The consensus view was that transportation planning needed to be prioritized, strengthened, integrated, focused, made more uniform, and given tools for better management of decisionmaking.

In response, the bill establishes a single intermodal planning process applicable to developing and implementing surface transportation programs and projects, including both highway and transit activities. The process is designed to achieve the goals and objectives of the Federal surface transportation program and other important Federal programs, recognizes the central role that the states play in administering the Federal program, recognizes the special needs and expertise of urbanized areas, and is designed to be flexible enough to accommodate the different needs and circumstances that exist among the states.

The bill prioritizes and strengthens the planning process in many ways. First, funding provided for planning is increased. The set-aside from Federal-aid system funds for metropolitan planning is increased from one-half per cent to one percent. In addition, regular apportioned funds for the Federal-aid system programs are eligible to be used for planning purposes. These funding increases should enable metropolitan and state planning bodies to acquire technical capabilities, forecasting tools, training and expertise they will need to meet the mobility challenges of the future.

The planning process is further strengthened by providing a structured framework in which to make decisions and specific directives for consideration to guide decisionmaking. Federally supported transportation projects will be based on 1) a long range transportation plan, and 2) a transportation improvement program (TIP) which consists of an intermediate range plan (generally 3-5 years), and an annual or biennial element. The selection of projects will be based on these plans and programs. In urbanized areas, these plans and programs will be developed cooperatively by the metropolitan planning organizations and the states. State plans and programs will incorporate, coordinate and reconcile the planning done in its metropolitan areas. The Committee intends both processes to work "hand-in-glove" with each other toward a smooth and integrated result.

One of the Committee's chief goals in revising the planning process was to make it more integrated. Intermodality, a key theme throughout the bill, takes on important emphasis in planning activities. The bill requires planners to place priority on the development of transportation facilities which will function as an intermodal transportation system. Different transportation elements will not longer be considered in separate and disconnected planning forums; but decisions will be made in the context of a coordinated, comprehensive planning process in light of the entire transportation system of the area or state. The Committee believes this important element will help decisionmakers to focus on the best solutions for moving people and goods.

In addition to intermodal considerations, metropolitan areas and states must consider various specific factors when developing their plans and programs, such as air quality requirements, long range transportation needs, preservation of rights-of-way for future transportation corridors, and other factors. The Committee does not intend for the factors listed to be exhaustive, nor does it intend for the order of the listed factors to represent any predetermined priority of one over another. However, the Committee intends that these factors as well as other factors, where appropriate, be fully considered as a part of the planning process.

An additional tool to strengthening the planning process is a new initiative calling for the development and implementation of management systems. The Committee's bill calls for six major systems: Pavement, Bridge, Safety, Congestion, Transit and Intermodal. In addition, Traffic Monitoring Systems are required to establish the statistically based traffic data necessary to implement the major management systems. The intent of the management systems is to provide the states with qualifiable data and use information on which to make the most efficient and cost-effective funding decisions. The major elements that would be common to these systems are: an inventory including condition and impacting factors; data analysis including forecasting; an assessment of strategies and alternatives; priority evaluations; life-cycle cost analysis; project selection and performance monitoring. Though these elements are in place in most states, they are not typically coordinated in a comprehensive and systematic fashion. The Committee intends for the management systems to be an integral part of the state planning process, resulting in both short-term projects and longer term strat-

egies. Once in place, states and metropolitan areas would be required to consider the results of the management systems in making project selection decisions. The Committee does not intend, however, to limit project selection discretion by requiring those decisions to be absolutely reflective of the results of the management systems, recognizing that other circumstances and considerations also play a part in overall project decisionmaking.

Strengthening the role of the metropolitan planning organizations in urbanized area planning and project selection was a priority for the Committee in its deliberations. In the Committee's extensive hearings across the country, MPOs expressed their frustrations and difficulties in carrying out the planning process dictated by existing law. Because of the requirement for state concurrence of MPO project selection decisions, often MPOs experienced rejection of their projects at the state level or coercion by the state in determining project priorities for the area against the MPOs wishes. Another problem that came to the Committee's attention was the issue of attributable funds. Though current law requires urban system funds to be attributable to areas over 200,000, some MPOs complained that when it came time for the state to actually fund its urban system projects in the area, the state would have used up all of its obligation authority for that fiscal year in other areas of the state and, therefore, could not fund the urban projects.

In response to these problems, the Committee made several changes. In place of the requirement for state "concurrence" with MPO project selection decisions for Urban system funds, a lesser requirement of "consultation" with the state is all that is required when decisions regarding Urban Mobility funds are involved. In addition, the Committee added a new requirement that when a state makes project selection decisions for urbanized areas using Federal funds other than Urban Mobility funds, the state must consult with affected MPOs. To address the attributable funds problem, the bill requires the obligation authority associated with Urban Mobility funds for areas over 200,000 to be reserved for those areas so that the state is prohibited from using it elsewhere.

The bill requires an MPO to be designated for each urbanized area of a state. All MPOs in existence on September 30, 1991, shall be treated as being designated. The Committee included this grandfather provision in order to avoid the chaos and disruption that would result if every existing MPO were forced to be re-established. However, the Committee did not intend the grandfather provision to in any way prohibit an existing MPO from being changed or re-designated by agreement between the affected units of general purpose local government and the governor of a state, or in accordance with applicable state or local law.

Because metropolitan planning is such an important element of overall transportation planning and because of the renewed emphasis of the Nation on urban mobility problems, the Committee believed that the issue deserved some special study. In response, the bill requires the Department of Transportation to establish an Advisory Committee to review the metropolitan planning process, the composition and organization of MPOs, the impact on MPOs of changing demographics and increased responsibilities and the relationship between the urban and state planning processes. The Ad-

visory Committee will make a report to the Congress along with their recommendations within three years. The Committee believes that this group will help future Congress grapple with the legislative solutions to solve the increasingly complex issues and problems facing metropolitan America.

GROSS VEHICLE WEIGHT RESTRICTION

Section 127 of title 23 establishes Federal law with respect to the weight of vehicles that is allowed on the Interstate System. The law establishes legal vehicle weight, axle weight, and the bridge formula. The law provides grandfather rights for states for variations from those requirements. The effective date of the grandfather clause is July 1, 1956.

States may lose some their highway money if they violate the provisions of section 127. In addition, pursuant to section 141 of title 23, states must annually certify that they are enforcing their own laws with respect to vehicle size and weights on specified Federal-aid highways and on the Interstate System. If a states fails to make this certification, or if the Secretary finds that a state is not adequately enforcing all state laws, than Federal-aid highway funds apportioned to such state shall be reduced. The reduction is 10 percent of the amount which would otherwise be apportioned to such under section 104 of title 23.

For purposes of this discussion, it is important to show the changes in the fourth sentence of section 127 that were made in 1982 by the Surface Transportation Assistance Act. Prior to 1982, the relevant portion of that sentence reads as follows:

This section shall not be construed to deny apportionment to any state allowing the operation within such state of any vehicles or combinations thereof that could be lawfully operated within such state on July 1, 1956, * * *

After 1982, that sentence with changed to read as follows:

This section shall not be construed to deny apportionment to any state allowing the operation within such state of any vehicles or combinations thereof *which the state determines* could be lawfully operated within such state on July 1, 1956, * * *

The change is underscored, and it plainly reflects past Congressional intent that the states are to be responsible for determining their grandfather rights. However, the interpretation of grandfather rights has raised a controversy which has sharpened into an acute public debate.

The source of the controversy centers around the fact that twenty states allow the use of longer combination vehicles with weight in excess of 80,000 pounds. According to data submitted to the Committee, eighteen of those states allow longer combination vehicles to operate on the Interstate System. Some states do not allow longer combinations vehicles to use portions of the Interstate System that are located within their respective boundaries. For example, it is the Committee's understanding that Arizona only allows approximately 30 miles of its Interstate System to be utilized by longer combination vehicles.

It is the Committee's firm understanding that the twenty states that currently allow longer combination vehicles to operate are Alaska, Arizona, Colorado, Florida, Idaho, Indiana, Kansas, Massachusetts, Montana, Nebraska, Nevada, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. Alaska has no interstate highways; hence, no longer combination vehicles operate on the Interstate System in that State. Operations in Florida are on the Federal-aid Primary System designated under section 411 of the Surface Transportation Assistance Act of 1982, but not on the Interstate System. These states permit such operations based upon grandfather claims, or claims that states may permit their use on certain toll roads, or both. Wyoming's claims rest upon a Federal statute.

The types of vehicles involved in this controversy are generally described as longer combination vehicles (LCVs). Currently, the vehicles are Rocky Mountain Doubles, Turnpike Doubles, and Triples. A Rocky Mountain Double generally consists of a 45 to 48 foot trailer and a 25 to 28 foot trailer. A Turnpike Double generally consists of two 45 to 48 foot trailers. A Triple generally consists of three 28 foot trailers.

Most states allowing the use of longer combination vehicles require the carrier to secure a permit. These permits allow for operations for various lengths of time. Finally, some states allow only certain vehicle configurations to operate within their state and the state generally imposes some operating restrictions. Examples of such restrictions include limiting operation to certain times during the day and to times when the weather is not bad. Other examples are requirements pertaining to driver qualifications, to the hill-climbing ability of the equipment, and to speed.

The Committee is concerned about the use of longer combination vehicles and about the controversy surrounding their use. The Committee has, therefore, decided to amend Federal law in a manner to limit operation of these vehicles to where and how they were being operated on or before June 1, 1991. The Committee's intent is to limit the use of these vehicles prospectively. It is not the Committee's intent to rollback a state decision that it could operate these vehicles under its grandfather rights. Under this subsection, the Secretary is not given authority to reinterpret those rights; however, he or she may review the certification for accuracy and take appropriate action. Clearly, the Secretary has the authority to enforce the freeze.

The Committee, therefore, retains the language in section 127 that allows grandfather rights to be determined by the states; however, in order to freeze the use of longer combination vehicles it subjects that determination to the Committee's goal to limit the use of longer combination vehicles.

In order to accomplish this goal, the Committee specifies that a state must have determined that it had grandfather rights on or before June 1, 1991. In addition, the longer combination vehicles must have been operating on the Interstate System on or before June 1, 1991. Moreover, the operations must have been on a regular or periodic basis. This means that the operations could have been seasonal or by state issued permit as expressly provided for in the bill or could have been conducted on a regular or periodic

basis. This means that the LCV operations at issue, whether allowed by an LCV permit or otherwise, must have occurred at recurring intervals over a period of time. Moreover, periodic operations must have occurred on an intermittent but consistent basis. Also, use of the LCV on only one or two occasions pursuant to a special permit would not provide a basis for satisfactorily certifying grandfather rights or operations under this subsection. Certainly, the basis for certification should be more convincing than that example. Based upon the evidence before the Committee at the time, it seems that only eighteen to twenty states would qualify under the items that must be certified which, of course, includes operations on a regular or periodic basis on or before June 1, 1991.

States claiming these rights must in fact certify the items set forth in the preceding paragraph and as set forth in subsection (d)(2)(A)(i) (I), and (II). The certifications must be reviewed by the Secretary and they are subject to challenge.

The operation may also have been permitted in the state of Wyoming pursuant to Federal law and may be expanded in accordance within the terms of subsection (d)(3).

States which qualify under these new requirements may permit longer combination vehicles to continue to operate on the Interstate System subject to certain limitations and restrictions set forth in subsection (d). Subsequent operations are subject to, at a minimum, route restrictions and configuration restrictions. Hence, if a state only allowed Turnpike Doubles prior to June 1, 1991, it can only allow Turnpike Doubles in the future. If the state allowed longer combination vehicles to utilize only 100 miles of its Interstate System, then it can only allow use of that same 100 mile stretch of Interstate System in the future. The subsection, however, is not vehicle or company specific. The restriction goes to the type of the vehicle; that is, Turnpike Double, Triple, or Rocky Mountain Double. It should also be strongly noted that states may impose new limitations and restrictions on operations of these vehicles.

Subsection (d) provides a narrow exception to guidelines established by the Secretary. It is the intent of the Committee that these guidelines shall be enforced by the Department and by the states. The exceptions may be permitted to enhance safety and to accommodate highway construction. Those exceptions must be monitored closely to make certain that they are consistent with the Committee's intent that they be narrowly construed. Also, these modifications can only be made in accordance with regulations issued by the Secretary.

The new law provides that the Secretary will compile and publish a list of pertinent state statutes, regulations, limitations, and restrictions applying to the operation of longer combination vehicles. After publication, longer combination vehicles can only be operated on the Interstate System " * * * as provided in the laws and regulations on the list * * * " Such list can be modified pursuant to paragraphs 2(B), (3), (4) and subparagraph (D) of paragraph (5) of subsection (d). Hence, the Secretary can make modifications to the list in accordance with any determination made under those paragraphs and subparagraphs after the list is compiled.

The Committee intends that the Secretary has authority to use the highway funding sanctions of 127 and 141 for violations of sub-

section (d). In order to implement these enforcement mechanisms, the Secretary has full authority to inquire into all aspects of subsection 127(d).

SPEED LIMIT

The National Maximum Speed Limit was enacted in 1974 as a temporary measure to save energy during the fuel shortages that existed at that time. However, it saved more than fuel; it saved from 3,000 to 5,000 lives during that year, after taking into account less travel and improved highways and vehicles. As a result, the National Maximum Speed Limit became permanent law on January 4, 1975.

The 1975 law also required each state to certify to the Secretary before January 1 of each year that it was enforcing all speed limits on public highways. Because speeds began to rise in following years, it became clear to Congress that speed limits were not being adequately enforced, and in the Federal-Aid Highway Act of 1978, Congress required each state to submit to the Secretary such data as the Secretary determined by rulemaking was necessary to support its certification. In addition, penalties were instituted against states that were found to be out of compliance with the 55 mph National Maximum Speed Limit. A state was out of compliance with the 55 mph National Maximum Speed Limit if the percentage of motorists exceeding the speed limit was greater than 70 percent in 1979, 60 percent in 1980, 50 percent in 1981, 40 percent in 1982 and 30 percent in 1983. In 1981, Congress amended the compliance requirement to require an annual 50 percent compliance, which is currently in effect.

Up to 10 percent of the apportionment of a state's Federal-aid primary, secondary and urban systems can be withheld if more than 50 percent of a state's motorists are exceeding the 55 mph National Maximum Speed Limit.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 allowed states to increase the speed limit up to 65 mph on Interstate roadways passing through areas with a population of fewer than 50,000. This provision of the Act permitted increased speed limits on two distinct components of the Interstate system: Rural Interstates roadways passing through geographic areas with a population of less than 5,000 and small urban interstate roadways passing through geographic areas with a population of at least 5,000, but less than 50,000.

Subsequent to the passage of this Act, 40 states increased their speed limit on eligible Interstate roadways. A total of 38 states did so during 1987, the remaining two increasing their speed limits on rural Interstates in 1988. As a result of these actions, approximately 90 percent of the 33,625 miles of Interstate roadway eligible for a higher speed limit are now posted with a speed limit of 65 mph. Only 2,734 miles of rural Interstate are in those states that have retained the 55 mph speed limit through 1989.

Congress also established a four-year pilot program permitting up to 20 states to raise speed limits to 65 on highways built, or to be built, to Interstate standards. Sixteen states raised the speed

limit on some of their eligible non-Interstate roads. Currently, 2,189 miles are included in the demonstration program.

In 1982, Congress requested the National Academy of Sciences to examine the potential consequences of reinstituting higher speed limits on rural Interstates. The results of the Academy's analysis are documented in *55: A Decade of Experience*, published in 1984. The authors of this report concluded that "as a result of increased speeds on rural Interstates, about 55 more fatalities [per year] would occur. This would increase deaths on highways posted at 55 mph by 2.3 percent and the number of deaths on rural Interstate by 20 to 25 percent."

The Department of Transportation was required to analyze the actual consequences of the 65 mph speed limit and report its findings to Congress. The Department found that in 1987, Rural Interstate fatalities in those states that raised their speed limits to 65 were an estimated 10 percent higher than would have otherwise been predicted on the basis of the historical relationship between rural Interstate fatalities and fatalities on all other roads in these states. In its 1988 report to Congress, the Department found that fatalities on 65 mph posted roads were about 22 percent greater than would have been expected given historical trends, and in 1989, the Department found that the fatalities on these roads were about 19 percent greater than would have been expected given historical trends.

The results of the Department's studies suggest that the National Academy of Sciences' prediction was on target. The findings of the three-year analysis of the Department of Transportation indicate that from 1,200 to 1,500 more people were killed as a result of the increased speed limit.

The National Academy of Sciences also found that the current monitoring formula did not accurately reflect safety, since speeds of 56 mph were weighted as heavily as speeds of 76 mph, and did not reflect enforcement capabilities, because it requires enforcement personnel to provide equal enforcement on all roads, regardless of type and safety design. In addition, the average motorist expects a 5 to 10 mile per hour tolerance by enforcement personnel. Therefore, the Academy recommended that Congress consider revising the compliance mechanism by placing greater weight on higher speeds and more dangerous roadways. The General Accounting Office, in its own report, agreed with the Academy's recommendations.

Accordingly, the Committee bill repeals the current speed limit monitoring requirement and establishes new compliance requirements that better reflect the higher risk associated with higher speeds and enforcement capabilities than does existing law. Under this provision, a state must be in compliance with six factors, each relating to the type of roadway and speeds in excess of 5 miles over the posted speed limit and in excess of 10 miles over the posted speed limit. No state would lose funds as a result of noncompliance with this formula. Rather, a certain percentage of highway construction funds would be transferred to the highways safety program for speed enforcement and other program activities.

The provision also makes permanent the speed demonstration program and places a moratorium on sanctions against any state

for 1991, the last year in which compliance is required under the current system.

NEW INITIATIVES

The Committee is undertaking several new initiatives to encourage the development of innovative techniques such as the use of asphalt rubber pavement and other recycled materials in highway construction, the use of alternative modes of transportation such as ferry boats and bicycles, the establishment of a "scenic byways" program, the improvement of Indian Reservation Roads and the use of timber and structural wood products in rural bridges.

Substandard conditions on many reservation roads and bridges has had a chilling effect on efforts to improve economic and educational opportunities for native Americans. To provide enhanced mobility and economic development opportunities for the Nation's Native American population, the Committee has authorized a total \$1.067 billion for Indian Reservation Roads (IRR). To assure tribal governments a key role in the planning and project selection of improvements to reservation roads and bridges, two percent of the funds allocated to them will be set aside to develop a transportation improvement program.

A study will be conducted to examine the functional classification of IRR highways and differences in the use of Federal funds on IRR and rural mobility highways. States with Indian reservations must spend at least one percent of their annual bridge apportionments to replace, repair and maintain bridges on Indian Reservation roads. The Secretaries of Transportation and the Interior will jointly inventory IRR and park bridges. Tribal governments are made eligible for grants to conduct training programs and the Indian employment preference is broadened at the state's discretion to cover projects near reservations.

The Committee has authorized \$100 million to provide grants and technical assistance to states for the planning, design and development of scenic byways programs. A national advisory committee is established to recommend minimum criteria for state and Federal agencies to use in designating scenic byways and all-American roads. The Committee's recommendations are due within 18 months of enactment and will address the scenic beauty and historic significance of proposed byways, standards for operation and management, highway safety, and byways signs, design review procedures for facilities, landscaping, and procedures for reviewing highways proposed for byway designation.

To promote the use of nonmotorized modes of transportation, the Committee authorized the use of funds from the Rural and Urban Mobility, State Flexible, National Highway System, and Federal Lands Highway Programs for bicycle transportation facilities on lands adjacent to these highways. Only projects judged by the Secretary to be principally for transportation rather than recreational purposes may be approved. In bridge deck replacement or rehabilitation projects, where the Secretary determines it can be done safely and at a reasonable cost, accommodations for bicycle transportation may be included in the project. States will be required to use a portion of their Urban and Rural Mobility and Flexible funds

to create a bicycle and pedestrian coordinator position within the state department of transportation. The Coordinator may devote up to 50 percent of his or her time to duties other than as bicycle and pedestrian coordinator, at the discretion of the state.

The Secretary of Transportation is authorized to make research and construction grants to encourage the use of timber and wood products in highway bridges. Research funds will be made available to Federal agencies, universities, private businesses, non-profit organizations and engineering research entities to develop economical timber bridge systems, engineering design criteria for using wood products, preservative systems which are environmentally sound, and effective rehabilitation measures. Grants will be awarded to states for construction of timber bridges on the rural mobility system. The Committee has authorized \$100 million for the program over five years.

To further encourage the use of alternate modes of transportation, the Committee has provided a separate authorization of \$375 million over five years for the construction of ferry boats.

The use of asphalt containing recycled rubber and plastic in highway projects will be explored by the Secretary in a two year study. Projects using asphalt containing recycled rubber may not be denied Federal funding simply because they incorporate this material. The Committee intends that patented and unpatented process for incorporated recycled rubber in asphalt pavement mix are to be treated as equally eligible processes for purposes of this section. The Secretary must also gather information from the states that have used asphalt containing recycled rubber and plastic and share the results of their experience with states expressing interest in using these materials.

HIGHWAY BEAUTIFICATION

The Highway Beautification Act of 1965 mandated that each state control outdoor advertising signs along Interstate and primary highways in both urban and rural areas. The Act provided for the removal of existing nonconforming signs and established criteria under which new conforming signs can be erected. The owner of nonconforming signs and sites receive just compensation for the removal of nonconforming billboards.

Since 1982, Federal funds have not been authorized nor appropriated to carry out the provisions of the Highway Beautification Act. Therefore, nonconforming sign removal and purchase activities have been relatively nonexistent.

The Intermodal Surface Transportation Infrastructure Act of 1991 would make available for the first time, the use of Federal-aid highway funds for the removal of non-conforming signs and the payment of just compensation. However, illegal signs must be removed by the owners within 90 days from enactment of this legislation. If illegal signs are not removed, the state is required to remove the illegal signs and assess the cost of removal to the owner of the sign.

The erection of new non-conforming signs along the Interstate and primary highway system that are designated scenic highways is prohibited.

OTHER ISSUES

The Committee notes that there may be several matters of interest to particular Members of the Committee which were not able to be included in H.R. 2950 due to jurisdiction concerns. One such issue is the establishment of a National Recreational Trails Trust Fund, similar to provisions in the Surface Transportation Efficiencies Act of 1991 passed by the Senate. The Committee intends to give consideration to this issue during conference with the Senate.

Title II—Highway Safety

Despite the positive impact of federal legislation and assistance, and state and local highway safety programs, motor vehicle deaths, injuries, damage and related costs continue to be a major problem in this country. However, there has been significant progress in the last two decades in the reduction of motor vehicle-related deaths and injuries.

Over the period from 1967-1989, the mileage death rate in this country dropped from 5.2 deaths to 2.2 deaths per 100 million miles of travel. In the last ten years alone, the death rate from motor vehicle crashes has been cut by more than 25%. NHTSA estimates that, in 1988 alone, 6,506 lives were saved by highway safety laws and programs: 4,500 saved by safety belts; 1,148 saved by minimum drinking age laws, 608 saved by motorcycle helmets; and 250 saved by child restraints. Alcohol-related fatalities have been reduced from 50% of the national fatality rate to around 37%.

Nonetheless, traffic crashes are still the leading cause of accidental death in the U.S., responsible for 34 times the number of accidental deaths as firearms, and 52 times the number of air transport deaths. There are twice as many highway deaths as there are homicides. Motor vehicle accidents cost our society more than \$48 billion in injury costs every year. And drunk driving still is the leading factor in the highway crash statistic.

In light of the large number of people who are killed and injured on the highways every year and the substantial projected increase in motor vehicle-related fatalities and injuries over the next decade, the Committee believes it is imperative to continue to initiate and to support programs which address highway safety issues and problems.

Throughout this title, the Committee has attempted to make the public welfare its first and foremost consideration, while persevering in its attempt to create a new intermodal transportation system that reflects greater state participation and places fewer burdens on state programming. Toward that end, the Committee has modified its support for sanctions and, instead, is relying primarily on incentives and reprogramming of highway construction funds to highway safety to encourage state compliance with the programs established herein.

When the Committee has incorporated reprogramming as a means of encouraging compliance, it has done so in its focus on national policy as that policy relates to public good. The Committee has also done so in the belief that highway safety can be improved in all respects by tying reprogrammed funds to highway safety programs.

HIGHWAY SAFETY PROGRAMS

(1) SECTION 402 PROGRAM

The State and Community Highway Safety grant program (23 U.S.C. 402) is administered at the federal level primarily by the National Highway Traffic Safety Administration (NHTSA) and partially by the Federal Highway Administration (FHWA). The 402 program is administered at the state level by a Highway Safety Representative who is designated by the Governor.

Section 402 funds are targeted to the following priority areas: impaired driving countermeasures; occupant protection; police traffic service (e.g., enforcement of traffic safety laws); emergency medical services, motorcycle safety; traffic records; and roadway safety. Six of the program areas are administered by NHTSA, while the roadway safety area is administered by FHWA. States may fund additional non-priority highway safety programs if they provide additional justification and receive NHTSA's approval.

The FHWA 402 program serves as a building block for safety construction and traffic operational improvements. The program provides funds for such activities as improved safety data collection and programming systems, special problem studies and analyses, training and technical guides, traffic control device inventory maintenance, and equipment purchases to improve safety problem identification and countermeasure selection.

Annually, the state's highway safety office prepares a Highway Safety Plan (HSP) for submission to and approval by NHTSA and FHWA. The HSP includes, among other things, an analysis of the state's highway safety problems and a description of planned 402-funded projects to address those problems. The projects are then closely monitored by the state and NHTSA and FHWA field offices and evaluated for impact. Projects are generally implemented with a declining federal share and increasing non-federal share over a three-year period so that by the end of the period, a project becomes self-sufficient.

Section 402 of title 23, U.S. Code, continues to be the cornerstone of the state and community highway safety program. Under current law, the Secretary, through the section's periodic rulemaking requirement, identifies and keeps current the programs most effective in reducing traffic deaths and injuries for Federal financial assistance.

Section 201 amends the law to provide for a two-tiered program. The first tier consists of five mandatory criteria which are administered by NHTSA.

In keeping with the Committee's vision of greater state flexibility and providing for the unique differences each state may experience in the area of highway safety, this section also provides for several optional programs, out of which a state may choose a minimum of three. States would be expected to choose those programs that will have the greatest impact on reducing deaths and injuries to its citizens.

In recent years, out of the annual \$126 million authorization for this program, \$20 million has been set aside each fiscal year for state speed limit enforcement activities, and each state has been re-

quired to spend 2 percent of its section 402 apportionment to encourage the use of safety belts. These set-asides will no longer exist under this provision since the mandatory criteria include such programs. However, enforcement and public education and information are required components of the mandatory programs.

Section 201 also contains three mandatory criteria dealing with roadway safety improvements, which are administered by the Federal Highway Administration. Specifically, these programs will provide assistance to states in the planning and development of safety improvements to high traffic accident locations, highway design, construction and maintenance, and traffic engineering services. Although Section 402 funds cannot be used for construction or operational improvements, they can be used for support activities. The mandatory criteria contained in this section affirms the Committee's continued strong support for these programs and standards.

(2) SECTION 403. RESEARCH AND DEVELOPMENT

NHTSA's research and development office identifies highway safety problems, develops alternative solutions, and assesses their costs and benefits. Highway safety research focuses on human factors which influence driver behavior. Research grants made under the 403 program (23 U.S.C. 403) are available to states, localities, non-profit entities, and universities on a discretionary basis and do not require a non-federal matching share.

FHWA's research and development office assesses current highway safety problems and attempts to develop products which can be used to improve the safety of the highways. Research focuses on the visibility of traffic control devices, highway safety design practices and criteria, improved highway travel for an aging population, truck/highway safety, roadway safety data collection and analysis and work zone traffic control. Research grants are available through the FHWA 403 program and are awarded in the same manner as the NHTSA 403 grants.

Section 202 continues and expands the current emphasis on highway safety research and development. Besides providing additional funds for increased research on driver behavior and proven countermeasures, the section encourages further developments of technology that have a substantial potential to reduce deaths and injuries.

(3) SECTION 408 AND 410 PROGRAMS

The 408 (23 U.S.C. 408) Alcohol Safety Incentive grant program provides incentive grants to states that increase their level of effort and implement effective programs aimed at deterring the drunk driver. A state may receive a basic grant equal to a portion of its 402 apportionment if it satisfies specific eligibility criteria such as adoption of prompt license suspension and .10 blood alcohol concentration as the legal level of intoxication. A state may receive a supplemental grant equal to another portion of its 402 apportionment if it satisfies more stringent criteria; and a special grant equal to a third portion of its 402 apportionment if it satisfies yet more stringent criteria.

The 420 (23 U.S.C. 410) Drunk Driving Prevention program provides a second category of incentive grants to states that increase their level of effort and implement drunk driving programs. A state may receive a basic grant equal to a portion of its 402 apportionment if it adopts a drunk driving administrative license suspension program and has a self-sustaining comprehensive drunk driving program. A state may receive up to four supplemental grants equal to additional portions of its 402 apportionment if it satisfies additional eligibility criteria.

Section 203 replaces section 410 and continues the strong focus on deterring drinking and driving. It expands on criteria required in Section 408, the Alcohol Traffic Safety Programs enacted in 1982. Like Section 408, it provides authorizations for a basic grant program and a supplemental program. States must be eligible for all six criteria established in the basic grant program before they can receive a grant under the supplemental program. However, a state that does not have a 0.08 blood alcohol concentration statute at enactment will be eligible for a basic grant if it meets the other five criteria. Two years after enactment, a state must have enacted a 0.08 blood alcohol concentration law in order to continue to be eligible for such basic grant.

(4) NATIONAL SAFETY BELT AND MOTORCYCLE HELMET USE REQUIREMENTS

In 1989, safety belt use saved an estimated 4,575 lives and 119,100 moderate to critical injuries. Motorcycle helmets reduce the risk of a fatal injury by nearly 30 percent. The National Highway Traffic Safety Administration reports that motorcycle helmets saved 4,645 lives between 1982-87, but, if all riders had worn helmets, more than 9,000 lives would have been saved. The usage rate for states that have mandatory motorcycle helmet use laws is nearly 100%, because such laws are easy to enforce. For states without such laws, usage rate average 36%.

Safety belt and motorcycle helmet use not only saves lives, but saves dollars and lessens the burdens on our health systems. In 1989 alone, safety belt use is estimated to have saved \$3 billion, but would have saved an additional \$4 billion solely in avoided deaths if everyone had worn their safety belts. When people don't use these proven safety devices and are injured in crashes, the cost of their care often falls on taxpayers. A variety of studies show that the public picks up 60 to 80 percent of the acute and long term care costs for injured motorcyclists.

Section 204 is a result of the Committee's belief that national seat belt and motorcycle helmet use requirements are in the public interest, both from a health perspective and from an economic perspective.

Section 204 would provide grants to states which adopt national safety belt and motorcycle helmet use requirements. Use of these grants is specified in the provision. This section also provides for a reprogramming of a percentage of highway construction funds to highway safety programs in 1995, if by 1994, a state has not adopted safety belt and motorcycle helmet use requirements.

(5) DRUG RECOGNITION EXPERT PROGRAM

Section 206 authorizes funding for a regional program designed to implement drug recognition programs and to train law enforcement officers to recognize and identify drug-impaired motorists.

The Drug Recognition Expert Program was initially authorized in the Omnibus Drug Act of 1988 to establish a regional program for training law enforcement officers to recognize and identify individuals who are operating a motor vehicle while under the influence of alcohol, controlled substances, or other drugs. This program is based on techniques developed by the Los Angeles Police department. It enables officers to prove impairment and to identify the symptomatic class of drugs that cause the impairment through patterns of behavior and physiological symptoms associated with the major drug categories, including stimulants, depressants, hallucinogens, or any combination thereof. One of the primary benefits of this program is the fact that it provides reasonable cause to conduct a chemical test.

(6) NATIONAL DRIVER REGISTER

The National Drive Register was established in 1978 to meet the long-standing need for a technologically improved register to provide rapid response to state licensing authorities concerned about identifying problem drivers and to assist the states in electronically exchanging information regarding the motor vehicle driving records of certain problem drivers. It was strengthened in 1982 to establish and maintain an updated driver register and increase state participation.

Section 207 continues funding for the National Driver Register Act.

Title III—Federal Transit Act of 1991

The United States faces a critical decision in the development and implementation of its national transportation policy. This country cannot continue the transportation policy of the past decade which halved the Federal funds available to transit programs. Our transportation policy has failed to address adequately both the traffic congestion in urban and suburban areas which has doubled over the past decade, and the air quality problems in non-attainment areas across the country.

Now, this country must choose a new policy to address its transportation challenges. The Committee strongly believes that a successful national transportation policy must promote the development of an intermodal, interconnected system of transportation facilities which provides enhanced mobility to commuters, as well as to operators of commercial vehicles. The Federal Transit Act of 1991 advances this goal by significantly increasing the funding available to transit programs within the Department of Transportation.

Small modal shifts to transit ridership generate significant reductions in traffic congestion. A transportation policy which promotes the development of a wider range of choices to commuters offers the best opportunity for reducing congestion. For example,

the construction of a new light rail system, modernization of an existing rail system, or the construction of high occupancy vehicle lanes will likely generate commuter travel time savings, making transit options more appealing to the single-occupant commuter.

In rural areas, transit service, including access to regional governmental or medical facilities, is often nonexistent. The Act targets substantial new resources to these areas and renames the Urban Mass Transportation Administration (UMTA) the Federal Transit Administration (FTA). This change reflects the broader scope of transit services which must be offered under a comprehensive transportation policy, especially with respect to rural transportation. It also reflects the reality that the Federal government must actively promote the role of transit services in enhancing mobility for all Americans.

(1) SECTION 3 PROGRAM

Section 304(b) establishes a new grant mechanism for the award of grants for rail modernization, guideway modernization, and the construction of new fixed guideway projects and extensions to fixed guideway projects, and establishes a new set-aside for bus and bus facilities grants to increase transit security.

The Committee bill significantly increases the funding available for rail modernization and consequently broadens the category of projects eligible for funding under this section to both rail and other fixed guideway modernization. Nonetheless, since historically rail modernization funds have been available primarily to older rail systems built without Federal financial assistance, the Committee bill continues this policy with respect to the level of rail modernization funding appropriated in FY 1991.

Under the Committee bill, the first \$455,000,000 appropriated for rail and guideway modernization will be available only for rail modernization purposes in the following urbanized areas according to the following percentages: Baltimore: 0.6642 percent; Boston: 8.7504 percent; Chicago/Northwestern Indiana: 15.8994 percent; Cleveland: 2.9415 percent; New Orleans: 0.7722 percent; New York: 30.2257 percent; Northeastern New Jersey: 10.9793 percent; Philadelphia/Southern New Jersey: 12.7503 percent; Pittsburgh: 6.1419 percent; San Francisco: 7.3632 percent; Southwestern Connecticut: 3.5118 percent. These percentages reflect the long-term historical shares of rail modernization funds made available to these urbanized areas.

The Committee bill also recognizes that rail facilities, although vital to the movement of commuters in urban areas, are just one type of fixed guideway facility in need of modernization funds. For example, trolley buses, ferry boats, and busways provide significant transit service in certain urbanized areas. Therefore, the next \$70,000,000 appropriated for rail and guideway modernization will be available for expenditure on any fixed guideway modernization project, rail or not, eligible for assistance under this section (1) 50% in the urbanized areas listed in the above paragraph according to these percentages, and (2) 50% in the urbanized areas, other than those areas listed in the above paragraph, eligible for assistance under section 9(b)(2) of the UMT Act according to the formula in

that section. The Committee intends that a project for the conversion of a rail right-of-way to transit service, whether or not passenger service is currently operated on the right-of-way, be eligible for funding as a rail modernization or guideway modernization project.

The remaining amount appropriated will be available for expenditure on any fixed guideway modernization project eligible for assistance under this section in all urbanized areas eligible for assistance under section 9(b)(2) according to the formula in that section.

Under current law, in order to receive funding under Section 3 of the UMT Act, new fixed guideway projects and extensions to fixed guideway projects, known as "New Starts", must meet three statutory criteria to advance through the planning and environmental process and proceed to construction. Specifically, each must be based on the results of an alternatives analysis and preliminary engineering, be cost-effective, and must be supported by an acceptable degree of local financial commitment. Any evaluation of cost-effectiveness should reflect regional cost differences such as variations in the cost of land, labor, materials and supplies. The cost-effectiveness evaluation should also take account of plans to help attain air quality standards in non-attainment areas, congestion relief potential in areas with congested roads and system-wide operational efficiencies. Cost-effectiveness criteria should also account for all projected riders on a new system, including existing mass transit riders that shift from one mode to another.

Unfortunately, many prospective recipients of New Start funding believe that an excessively narrow application of the cost-effectiveness and alternative analysis criteria has delayed the construction of New Start projects. In some cases, these delays have generated cost increases of millions of dollars by the time the projects were ultimately constructed.

Therefore, the Committee has identified worthy New Start projects in this Act and has instructed the Secretary to enter into multi-year grant agreements with prospective recipients of section 3 funding to construct these projects. The Committee intends that only projects named in this Act or a subsequent Act of Congress proceed to construction in accordance with the terms and conditions included in the Act for each project.

Section 304(d) requires the Secretary to report to the Congress yearly, beginning January 31, 1993, on the merits and status of fixed guideway projects proposed to be funded under Section 3. In 1993, the Committee intends to give further direction to the Secretary regarding the construction of additional projects, using the data in the report, as projects complete alternatives analysis and preliminary engineering and are ready to proceed to construction.

Section 304(f) establishes a minimum apportionment program which guarantees that each state will receive one-third of 1 percent of Mass Transit Account funds distributed annually and allocates 10 percent of Section 3 funds for the minimum apportionment program. These funds may be used, at the discretion of the Governor of the state, for any highway or transit capital project eligible for Federal funding. The Federal share for minimum apportionment projects will be 80 percent, unless a lower Federal share is specified under title 23, United States Code. This new program helps to

ensure that every state receives a minimum return on its contribution to the mass transit account.

(2) SECTION 9 PROGRAM

The Committee is aware that population growth revealed by the 1990 Census will result in at least 50 new urbanized areas eligible to receive funding under the Section 9 program in areas of less than 200,000 population ("small urban"). Although population shifts have occurred in all categories of Section 9 funding, the shift of population into the small urban category was particularly extreme. Therefore, the Act increases the share of formula grant funds allocated to urbanized areas of less than 200,000 population from 8.64 percent to 10 percent.

The Committee redefines "materials and supplies" as associated capital maintenance items.

Current law allows an adjustment for inflation to the operating assistance limitation under Section 9 only for urbanized areas under 200,000 in population. Section 306(e) provides that the operating assistance limitation imposed on all urbanized areas under the section 9 formula grant program will be adjusted for inflation according to the Consumer Price Index of the most recent calendar year on October 1, 1991 and each year thereafter.

Section 306(f) allows the Governor of a state to transfer 25 percent of the funds allocated to that state for expenditure in urbanized areas of less than 200,000 population under the section 9 program to any other transportation purpose eligible for Federal funding under title 23, United States Code, and an additional 10 percent if transit services are being adequately maintained in those areas. This transferability parallels that of the NHS program which permits the transferability of highway funds for transit purposes.

(3) SECTION 18 PROGRAM

Section 313 allows the Governor of a state to transfer 25 percent of the funds allocated to that state for expenditure in rural areas under the section 18 program to any other transportation purpose eligible for Federal funding under title 23, United States Code, and an additional 10 percent if transit services are being adequately maintained in those areas. "Materials and supplies" are redefined as capital expenses. The Act increases the share of formula grant funds allocated to rural areas from 2.93 percent to 5 percent.

(4) MISCELLANEOUS PROJECTS

The Committee does not expect any reassessment or reopening of any environmental impact statements or other environmental studies or analyses which have been completed for MOS-2 of the Metro Rail project, nor does the Committee approve of any reassessments of those portions of MOS-3 which extend into the San Fernando Valley. Any reassessment necessary for approval by the FTA shall be limited to that portion of MOS-3 extending West from Wilshire Boulevard and Western Avenue to the Pico/San Vincente station.

The Committee has included initial funding for the construction of the Portland, Oregon, Westside Light Rail Project. The total fed-

eral share for the completion of this project to Hillsboro, Oregon, is \$710 million, of which \$515 million is provided under this Act. Of the \$515 million, the Committee allocates up to \$15 million to the Hillsboro extension as set forth in P.L. 101-516.

To the extent that state and local funds are expended on the project in advance of receiving federal funds equivalent to the total federal share, those state and local funds shall be counted as local matching share for the project to Hillsboro.

The Committee recognizes the need to proceed expeditiously with the St. Clair extension of the St. Louis Metro Link light rail system in order to serve the substantial transit dependent population in bridges across the Mississippi River, and to serve Scott Air Force Base. The Committee directs that funding for construction of the St. Clair corridor be committed by the FTA through a multi-year grant agreement prior to any such agreements for other potential expansions of the Metro Link system.

The Secretary is directed to provide \$450,000 for an Alternative Analysis for a transit project between St. Charles County and St. Louis County, as described in the Systems Analysis for major transit capital investments prepared by the East-West Gateway Coordinating Council (the St. Louis Regional Planning Agency) for the purpose of mitigating congestion on the most heavily traveled highway corridor in Missouri.

The Committee has authorized alternatives analysis on two corridors in the St. Louis region, the St. Charles corridor and the Cross-county corridor which would serve substantial portions of St. Louis County, Missouri. The Committee also notes that the St. Louis Systems Analysis for Major Transit Capital Investments had identified a route through south St. Louis City and County, referred to as the Southside corridor, as an extension that would provide cost-effective transit service to a large number of rivers. The Committee is supportive of alternatives analysis of a Southside extension provided that local funding constraints can be addressed.

The bill contains a provision requiring the Secretary to negotiate and sign a multi-year grant Agreement for the Salt Lake City Light Rail project, including feeder bus and other related system costs, for the initial 15-mile segment to be located in the Interstate 15 corridor.

The estimated cost of the 15-mile segment is \$293.5 million of which half, or \$146.75 million, will be funded from the Federal Transit Administration Section 3 program. A total of \$15.75 million already has been earmarked in Appropriations Committee reports leaving a federal cost to complete the project of \$131 million. The Utah legislature has authorized, subject to a favorable local referendum, a $\frac{3}{16}$ cent increase in the sales tax available to the Utah Transit Authority to provide a fifty percent non-federal match.

The project will connect downtown Salt Lake City with residential, commercial and industrial areas to the south. The system will be extended later to connect the University of Utah and the airport.

The Committee urges prompt funding and completion of a \$2.5 million, 18-24 month alternatives analysis of a new light rail corridor proposed as part of a \$1.2 billion, three-way expansion of the existing light rail system in Sacramento, California. The Commit-

tee views such simultaneous system expansions in several directions as an effective strategy. A final systems planning study issued this Spring anticipates that the extensions will generate a total new ridership of over 78,000 linked trips daily by 2010, an increase of more than 23 percent over the base planning (all bus) alternative. The Committee also notes that Sacramento proposes an effective combination of Federal, state and local funding. Two of Sacramento's extensions will be financed without any Federal assistance.

The federal share proposed for one line will thus amount to a relatively small and highly leveraged contribution of federal funds toward the total system expansion.

The recently completed systems analysis indicates that the more expensive options for this corridor, currently estimated at \$220 million in 1991 dollars, could have a very feasible cost effectiveness index of approximately \$8.00 per new ride. Therefore, the Committee bill also provides \$24 million in Section 3 funds for preliminary engineering and final design for the South Corridor Project.

The Committee finds that there is a need to provide commuter rail service to serve the areas of Ocean County and Western Monmouth County, New Jersey. The route shall run from Lakewood, New Jersey, and continue on an existing right-of-way into Freehold, New Jersey.

The Alternatives Analysis and Environmental Impact Statement shall consider whether the rail service should continue on the existing right-of-way and connect to the North Jersey Coast Line at Matawan, New Jersey, or traverse either of two alternative rights-of-way. The two alternative rights-of-way cross northwestward from freehold into Middlesex County through Jamesburg, New Jersey. These rights-of-way would connect with either the Northeast Corridor at Monmouth Junction, New Jersey or with the North Jersey Coast line at South Amboy, New Jersey.

No other rights-of-way shall be considered during the Alternatives Analysis, and Environmental Impact Statement process. Following the selection of a locally preferred alternative the project shall proceed to Preliminary Engineering of this alternative.

The Committee recognizes that the Municipality of Metropolitan Seattle currently is planning mass transit projects to address a growing traffic congestion problem. The Committee acknowledges that these projects will be eligible for funding under this Act once the necessary documentation and planning has been completed.

(5) INTERCITY BUS TRANSPORTATION

The Committee is concerned about the continuing decline in intercity bus service, particularly in rural areas of the country. Since 1980, the number of locations served by intercity buses has been reduced by more than 50 percent. Despite that loss of intercity bus service, more than 8,000 communities still have scheduled service which is performed by hundreds of mostly small bus companies. The Committee believes it is important to preserve this service so that these communities all continue to have access to low cost intercity public transportation.

Section 314 provides that, before apportioning section 18 funds, the Secretary shall set aside \$20,000,000 for intercity bus transportation. Intercity bus transportation has not proven profitable in rural areas, resulting in the withdrawal of service from thousands of small towns across the nation. The Committee intends that, by making these funds available to the Secretary for award to the states, grants will be targeted for specific service enhancements and capital improvements to intercity bus transportation in rural areas.

Funds can be used for planning and marketing and for capital grants for intercity bus facilities. Examples of eligible facilities include intercity bus shelters, joint-use stops, and depots and maintenance facilities. In addition, eligible grants would include the purchase of service contracts which would be awarded on a competitively bid basis like any other contracted service. Finally, the funds can be used to coordinate the services of the hundreds of small carriers providing either local or intercity service.

A new initiative in the bill is the Transit Planning and Research Program. The Committee believes that transit research has been unfocused and in need of direction at the federal, state and local levels. The bill authorizes \$150,000,000 annually for transit research; divided $\frac{1}{3}$ at the state and local levels.

As part of the national program, the Secretary may make 25% of the funds available for special demonstration initiatives. Included among those initiatives is an Entrepreneurial Transportation Services Program to provide grants and loans to assist in the development of private transportation services to meet new transportation needs and complement public transportation services. The Committee intends that the provisions of section 3(e)(4) of the UMTA Act of 1964 relating to labor protection provisions apply to operational grants funded through this new initiative.

The Committee bill would require the Secretary to make available a minimum of \$2,000,000 per year to provide transit-related technical assistance, demonstration programs, research development, public education and other activities to assist transit providers with the implementation of the Americans with Disabilities Act.

The Committee bill would also require the Secretary, to the extent practicable, to contract with a national non-profit organization with demonstrated capacity to carry out this activity.

The Committee is aware that a program similar in nature to the one contemplated by the Committee bill received funding in fiscal years 1988-1990. The program, Project ACTION (Accessible Community transportation in our Nation), was administered by the National Easter Seal Society through a cooperative agreement with UMTA. Project ACTION was designed to improve relations between the transit and the disability communities and to facilitate the development of cooperative tools and techniques for improved access to mass transportation for persons with disabilities.

The Committee believes that the experiences of Project ACTION over the last three years and its demonstrated capacity to develop tools and techniques which help to improve transportation services for persons with disabilities should serve as a model to the Secretary in establishing the program required by the Committee bill.

The state and local program funds a transit cooperative research program and state and local planning, research and training. The cooperative research program would receive 16½% of the funds available to the state and local program for grants to the National Academy of Sciences to carry out transit research. The bulk of the remaining funds, 83½%, will be apportioned to the states by a formula and allocated to states and Metropolitan Planning Organizations.

Title IV—Motor Carrier Act of 1991

Like other titles, title IV is designed to enhance safety and to improve business efficiency. It enhances safety in several aspects. First, it broadens the scope of the MOTOR CARRIER SAFETY ASSISTANCE PROGRAM (MCSAP). Secondly, it increases Federal financial support for the program. The success of this program is a result of the Federal/state partnership and the increasing financial commitment to motor carrier safety. MCSAP enjoys broad support from the Congress, the trucking industry, and safety interests for its reduction of commercial motor vehicle accidents that cost lives and cause injuries and property losses. The Committee believes that MCSAP would be strengthened significantly by increased state involvement and by more funds.

Other aspects of title IV provide for improved data collection on bus and truck accidents, a goal which has been sought by Federal and state governments and by the safety community. The title sets the stage for joint Federal and state efforts to improve safety enforcement through the establishment of an Information System that will link with state agencies that issue license tags to commercial motor vehicles.

With respect to business efficiency, the title ends the "bingo card" program, a program which the Committee believes has outlived its purpose. Moreover, the Committee has strongly endorsed uniformity in state program dealing with the issuance of license tags. The Committee's endorsement consists of financial assistance to help implement the International Registration Plan in all 48 contiguous states by September 30, 1996.

Finally, the title imposes length limitations on certain types of trucks. Previously, the Federal government has never established maximum length limits. It decided to do so because of its concern that combination vehicles surpassing certain lengths may pose safety hazards.

(1) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM

The Motor Carrier Safety Assistance Program (MCSAP), since its inception, has proven itself to be a successful and cooperative Federal/state inspection effort promoting truck and safety.

Under the authority of the Surface Transportation Assistance Act of 1982, which created MCSAP, and subsequent laws, the Secretary of Transportation disburses grants to participating states for use in enforcing the Federal or compatible state motor carrier safety laws and specified hazardous materials transportation regulations.

MCSAP is crucially important to some states that prior to MCSAP had little or no commercial motor vehicle enforcement activities. For states that funded intensive enforcement efforts prior to MCSAP, it proves additional resources to perfect that effort.

Prior to MCSAP, the Federal Government conducted approximately 36,000 motor carrier vehicle and driver inspections a year. During FY 1990 under MCSAP, states officials conducted approximately 1.6 million inspections resulting in more than 540,000 vehicles and 112,000 divers placed out of service for violations of Federal safety regulations. In addition, states conducted approximately 10,000 carrier reviews.

At the request of the Secretary, changes will be made in the structure of the program which will allow the use of state grant funds for new activities.

In the future, states may include in their programs enforcement of size and weight laws, detection of the unlawful presence of a controlled substance in a commercial motor vehicle or on the person of any occupant in such a vehicle, and enforcement of state traffic regulations. These programs would be supplemental to the core program. It is the Committee's intention that the state decides if it wants to perform these additional activities out of its MCSAP funds. It should be noted that except for traffic laws, the other activities are now covered by Federal safety regulations.

These three enforcement activities must be related to safety problems associated with commercial motor vehicle safety inspections. In addition, the size and weight activities must relate to weighing at port facilities, at geographical areas where weight can significantly affect safety, i.e. mountain roads, or at points other than fixed weighing stations. These newly authorized activities may not, however, result in any diminution of effort in the enforcement of the safety regulations now covered by the program, nor may the use of MCSAP funds result in the diminution of funds previously spent by the states on these newly authorized activities.

In the future, states will be required to coordinate their MCSAP state plans with the state highway safety plan required under section 402 of title 23, United States Code.

The funding levels for programs have been increased to accommodate \$5 million per year in additional funding for training of roadside inspectors on the hazardous materials regulations, and to allow for various other earmarkings required by the addition of several new provisions in the legislation.

(2) ENHANCEMENT OF SAFETY FOR COMMERCIAL MOTOR VEHICLES

In an effort to improve the safety fitness of motor carries, the legislation requires the Secretary to develop a new Commercial Motor Vehicle Safety Information System, in cooperation with the states, and as part of the existing motor carrier safety information network at the Department of Transportation (Safety Net). The objective of the system would be to link the state registration programs for issuance of motor vehicle license tags to the safety fitness of the motor carrier registrant in order to ascertain whether this would be an effective safety enforcement tool. The new system could be used to delay issuance of license tags until the motor car-

rier/registrant is in safety compliance. The Committee authorizes up to \$2 million per year out of MCSAP funds for the Secretary to develop a system and to fund state demonstration projects. Currently, there is no existing law to address the establishment of such a system.

The Committee has been made aware throughout the hearing process of the need to establish more uniform data on truck and bus accidents. Currently, the only reliable national database on accidents is the Fatal Accident System (FARS) offered by the National Highway Traffic Safety Administration of the Department of Transportation. FARS, however, only includes accidents that involve a fatality.

The major problem with truck and bus accident data is the absence of a uniform system of collection, reporting and analysis. Each state has developed its accident data reporting system in isolation. Some states can provide limited information on truck accidents within their boundaries, but most do not collect much truck and bus specific data. The lack of uniformity among the states in the data elements they collect means that effective aggregation of data is impossible. The result is no national truck and bus accident database that provides reliable, uniform, and comprehensive information.

The National Governors Association (NGA) conducted a survey of the fifty states and their police accident reports in order to draft a uniform reporting system that could be used in order to enable states and the Federal government to redesign safety programs which could reduce the volume of truck accidents. The NGA defined a minimum set of truck and bus accident data that should be collected by all states. Currently, 32 states have adopted some or all of the data elements recommended by NGA. States need financial assistance to design forms, draft instruction manuals, and train enforcement personnel for this uniform reporting system.

The Committee decided to provide grants to states that agree to adopt the uniform accident data reporting system that has been developed and prescribed by the National Governor's Association. The development of this data reporting system was strongly supported by the Department of Transportation. The data can then be used by the Federal government and the states to formulate safety policies applicable to truck and bus operations. The data provided in this system will provide more detailed information than is required by FARS. However, this program will be coordinated with the data collection programs like FARS that the Department now conducts with the states under section 402 of Title 23. The Secretary may require the new data to be submitted to the Department as part of the FARS reporting program.

The Committee also included a grant program for research, development, and demonstrations of techniques that will promote commercial motor vehicle safety on a national basis. This is part of the MCSAP program, and it again clarifies that money going to the states may be used for these purposes. Grant funds are to be awarded on a competitive basis to states and other groups.

(3) STATE REGISTRATION PROGRAMS

The Committee's bill addresses two state programs that deal with the commercial motor vehicle registration. The regulation programs affected by the legislation apply to license tags and to filing certificates and permits issued by the Interstate Commerce Commission. These two issues have been brought to the attention of the Committee on numerous occasions. The National Governors Association in cooperation with the Department of Transportation has made progress in getting the states to implement procedures to minimize costs that were paid by commercial motor carriers for securing license tags. This was accomplished by getting 44 states to join the International Registration Plan. Competition in the world marketplace dictates the elimination of unnecessary costs and the maximizing of efficiency. The International Registration Plan helps to accomplish those dictates.

The registration of certificates and permits issued by the Interstate Commerce Commission is another costly mechanism which does not serve a purpose that justifies its cost. The exact cost of this program is not known precisely, but estimates of the amount of revenue it generates for the states range from \$50 million to \$60 million per year. The motor carrier industry estimates that all compliance costs can go as high as \$250 million per year.

The registration of certificates and permits issued to regulated motor carriers is provided for in section 111506 of Title 49. This program began in 1965 pursuant to enactment of this section. It is commonly referred to as the "bingo card". The program is permissible, and all states do not participate in the program. States not participating in the program are Alaska, Arizona, Delaware, Florida, Hawaii, Maryland, Nevada, New Jersey, Pennsylvania, Vermont, Wyoming, and the District of Columbia.

The program is administered by the National Association of Regulatory Commissioners in conjunction with the Interstate Commerce Commission and the individual state Public Utility Commissions. A motor carrier must file a copy of its certificate in each participating state where it operates. The carrier must also purchase a "bingo card" for each of its trucks from the National Association of Regulatory Commissioners. It then must purchase individual stamps from each state in which it operates and the stamps must be placed in the appropriate boxes on the "bingo card". The truck-specific card must then be placed in all trucks and buses operated by the carriers.

The funds received are retained by the state and by the National Association of Regulatory Commissioners. The latter only retains the money from the purchase of the "bingo cards".

The program's original purpose was to assure that the regulated carrier did in fact have the necessary operating rights from the Interstate Commerce Commission. This information is and always has been available from the Commission. The other information covered by the section either is or can be acquired from other sources, and it either can or must be filed with the states.

After January 1, 1994, states will no longer be able to require the carriers to file their certificates or permits with the states. The reg-

istration only applies to certificates and permits issued by the Interstate Commerce Commission.

The Committee is aware that the money generated by the program helps to support state Public Utility Commissions. This Committee, therefore, delayed preemption until 1994 and provided money in the form of grants to give the states time to find other revenue sources and to help offset the changes that will be incurred because of this Act.

The Committee firmly believes that in many instances uniformity enhances efficiency. The Committee therefore, is taking action to create uniformity in the vehicle registration requirements for license tags. The Committee formally endorses the approach taken in the International Registration Program (IRP) for achieving the desired uniformity.

Participation in the Plan is not required by any Federal law. Currently, the International Registration Program is a voluntary state program which utilizes a "base state" approach for the registration of interstate motor carriers in the states in which the carrier operates. The base state issues a cab card and a single registration plate which is recognized by all member states. The motor carrier registers in a base state and pays the registration fee, based on the number of states that the carrier operates in. The base state then apportions the fee to the other member states based on the number of miles the carrier travels in each state. This reduces the motor carrier's overall operating costs, including the paperwork burden, associated with individual state registration procedures.

The International Registration Plan is overseen by the American Association of Motor Vehicle Administrators. With the exceptions of Delaware, New Jersey, Massachusetts and Rhode Island, all the contiguous states belong to the Plan. Apparently, there are some administrative and technical problems in the program, and states not in the Plan may require technical assistance in order to help them join the Plan.

The Committee lauds the work of the states and the efforts of past working groups that earlier addressed similar matters, and it believes that a similar group needs to be formed in order to assist the states in seeing that this Act is implemented and to help in addressing some of the administrative and technical problems that are associated with belonging to or joining a unified plan.

The Committee is therefore reestablishing a working group for this purpose and funding it with \$1 million per fiscal year for five fiscal years. The Committee is also aware of the fact that money may be needed to help the states meet requirements imposed by this Act; and therefore is making available up to \$1 million per fiscal year for making grants to states for the purpose of providing technical assistance, personnel training, travel costs, and technology and equipment associated with participation in the International Registration Plan.

The Committee decided that all states should join the International Registration Plan by September 30, 1996. If the state does not join the Plan, it cannot limit the operations of interstate commercial motor vehicles if vehicles are registered in another state.

The Committee has provided the Secretary with injunctive relief for enforcement of the provisions dealing with the International Registration Plan.

(4) VEHICLE LENGTH LIMITATIONS

Currently, Federal law does not limit the maximum length for truck combinations. The matter is left solely to the states. The Committee, however, due to its concern over longer combination vehicles and the lengths of other motor vehicle combinations has decided to impose length limits on the cargo carrying units of any commercial motor vehicle combination with two or more cargo carrying units. The length limitation is imposed on the cargo carrying units. The operable length is from the front of the first cargo carrying unit to the rear of the last cargo unit.

The bill provides that no state may allow the operation of any commercial motor vehicle combination with two or more cargo carrying units whose cargo units exceed the length that was authorized by state law or statute and were being lawfully operated on or before June 1, 1991. The operations must have been on the highways to which the bill applies. Those highways are the Interstate System and those classes of qualifying Federal-aid primary system highways which were designated by the Secretary pursuant to section 411(e) of the Surface Transportation Assistance Act of 1982. A cargo carrying unit is a defined term. It does not include a tractor, but it does include a trailer, semitrailer, or cargo carrying section of a single unit truck. The new restrictions do not apply to vehicles having only one cargo carrying unit. The bill would clearly apply to the length of any two trailers or semitrailers being towed by a tractor. It would also apply to the length of the cargo carrying units of longer combination vehicles. (LCVs).

The commercial motor vehicle combinations would be permitted to continue to operate in a state if that state had decided on or before June 1, 1991, that the pertinent lengths could be operated pursuant to a state statute or regulation in effect on June 1, 1991. In addition, the state would have to show that operations of such vehicles were conducted on the pertinent highways on a regular or periodic basis. These two matters would be subject to state certification. The Secretary has the authority to review the certification which is subject to challenge.

The remaining provisions parallel those applicable to longer combination vehicles in title I of the bill. There is one important difference. The difference is that this subsection amends title IV of the Surface Transportation Assistance Act of 1982. Section 413 of that title provides injunctive relief to assure compliance with that title. The relief is available at the request of the Secretary and it is carried out by the Attorney General. The states are also subject to the provisions of subsection 141(b) of title 23. Hence, a state would be subject to loss of highway funds if it failed to certify that it is enforcing this new subsection, or if the Secretary determined that the state is not adequately enforcing this subsection.

This subsection is not intended to disallow use of a particular configuration of LCVs, consistent with all other restrictions under this new subsection, on a limited segment of Ohio Rt. 7 intended to

relieve congestion and enhance safety at Exit 16 of the Ohio Turnpike.

One final note merits mentioning. It is that the words "regular or periodic basis" have the meaning that is implied in section 119 of title I of this bill and which is explained in title I of this report in the section entitled Gross Vehicle Weight Restrictions.

(5) LONGER COMBINATION VEHICLES, REGULATIONS, STUDIES, AND TESTING

Earlier in this report, the Committee plainly stated its concerns about longer combination vehicles (LCVs). In order to secure more information about the safety of these vehicles, it is requesting the General Accounting Office to conduct a study of the safety of LCVs.

The Committee has also directed the Department to undertake a series of activities relative to the operation of longer combination vehicles. First, Department is required to issue regulations for establishing minimum training requirements for drivers of LCVs. Secondly, it is required to conduct a study and to file a report on the effects of operating LCVs on drivers. Thirdly, the Department must test LCVs. The purpose of the prior two requirements is to determine whether the safety regulations contained in Subchapter B of Chapter III of title 49 of the Code of Federal Regulations need to be modified as they apply to LCVs.

Title VI—Research

From 1980 to 1987 Federal spending on transportation research and development declined by 40 percent. While key economic competitors like Japan and West Germany spent 2.8 percent and 2.5 percent on non-defense research as compared to gross national product, the United States spent only 1.8 percent. Within the Federal highway program, only .2 percent of expenditures were dedicated to research.

The decline in Federal support for new transportation ideas and technology has left the national poorly prepared to maintain its position in the world marketplace and to confront the problems posed by growing congestion, energy consumption, and pollution of the environment. To regain lost ground technologically and avoid buying back "perfected" versions of American technologies from international competitors, the Federal government must exercise the same level of leadership that is provided by governments of competing nations.

(1) MAJOR ISSUES

Recognizing the need for a strong research, development, and technology transfer program that looks not only at domestic needs and progress but developments worldwide, the U.S. Department of Transportation has recommended to Congress several changes in law which are incorporated in H.R. 2950.

H.R. 2950 provides authority for the Department of Transportation to conduct an International Outreach Program to enhance the U.S. technical presence in developed and developing countries and to provide better support for U.S. private sector firms in the inter-

national marketplace. One aspect of the program would focus on monitoring, assessing and disseminating foreign highway, transit, and intermodal innovations domestically that could have beneficial application in the U.S. In recent years great international emphasis has been placed on research and development in the private sector. As a consequence, the U.S. needs increasingly to devote more resources to keeping abreast of technical developments abroad with a view to applying foreign research results at home and avoid wasting scarce resources on duplicative work. The activities the Department of Transportation would be authorized to engage in under this program include exchanging U.S. and foreign public-sector experts; demonstrating in the U.S. of foreign innovative equipment, materials, and techniques; and sending teams of U.S. public sector experts on technology assessment missions abroad.

Equally important, the Department must conduct efforts to increase transfers of American technology to developing regions of the world. Through a program of U.S. technology transfer, developing countries could gain access to needed U.S. technology while related efforts would enable American technology firms to adapt to the particular needs and conditions of developing regions. One specific activity envisioned in this program is support for international regional technology transfer centers under American leadership modeled on the Pan American Institute of Highways.

An additional aim of the international outreach program is to demonstrate U.S. highway, transit and intermodal expertise with the goal of helping U.S. technology compete for business in foreign markets. This program of promotion of U.S. technology may include sponsoring seminars, exhibits, demonstrations, technical visits, training sessions in the U.S. and abroad and supporting U.S. membership in international organizations. U.S. government assistance is particularly needed in the transportation sector where competition for markets is fiercely contested by other countries' governments and firms acting in concert, where considerable U.S. expertise resides in the public sector, and where U.S. government representatives have easier access to the primary customer, foreign government agencies.

(2) BACKGROUND AND FINDINGS

The Committee believes that the present R&D program at the Department of Transportation is uncoordinated and further, that the United States will risk falling further behind other industrial nations' surface transportation programs because we have not maintained a strong and aggressive research and development program encompassing a broad range of technologies.

Though some limited coordination of R&D continues through the Department's R&D Coordinating Council, DOT no longer has a department-wide R&D coordinator within the Office of the Secretary of Transportation. Such a position was briefly re-created in 1985, but dropped again after proving ineffective. As a result of budget cutbacks and the lack of coordination for R&D over the past decade, each administration's R&D program has become increasingly modally oriented and focused on supporting short-term pro-

gram objectives. The April 1991 OTA report "Delivering the Goods", found that "the lack of long-range and systems-oriented R&D has left DOT unprepared to address current national needs, such as transportation-related air quality issues and intermodal and urban capacity problems."

In the Department of Transportation's February 1990 publication, "Moving America; New Directions, New Opportunities, the Administration has stated its objectives:

1. "Increase the Federal transportation budget for research and technology projects, in coordination with the efforts of private industry, the academic community, and state and local governments.
2. Continue research on improvements in design and operation of existing vehicles and transportation systems.
3. Provide seed money for research on new transportation systems and technologies, and assist in assessing their feasibility.
4. Foster a program of national research in transportation at the country's universities and research institutions.
5. Promote adoption of new technologies and reassert U.S. international technical leadership in transportation by fostering increased awareness of and interest in research and development activities."

The Committee has endorsed these objectives as related to research. However, the Committee is gravely concerned about the ability of the Department to apply sufficient resources and to persevere in developing a range of new technologies.

The Department reports that the United States spends approximately \$424 billion per year on surface transportation. In spite of this large amount of money, very little is spent on research and development by the government or the private sector. The history of research and development within the Department of Transportation does not provide confidence for expecting improvements in developing the transportation systems of tomorrow without H.R. 2950.

(3) TECHNOLOGY ASSISTANCE, EDUCATION, AND TRAINING

H.R. 2950 authorizes the Department to expand its education and training programs to meet growing domestic and international needs for technical assistance. Local transportation assistance programs will be continued to assist local governments in rural and small urban areas to deal effectively with transportation problems. The direct benefit of applying improved technology in these areas is greater efficiency and productivity in transportation, but benefits may also be measured in cost-avoidance, direct reductions in budgetary spending in some cases, and safety.

Expansion of the National Highway Institute will enhance technology transfer efforts by providing specific technology training courses at locations throughout the U.S. for highway engineers and technical staffs to keep them up to date on the newest technology, tests, procedures, and operations techniques. The NHI also will conduct sessions to assemble national and world experts for education and training exchange. The NHI should envision its role as

the principal resource for presenting the leading edge of highway technology to the governmental sector of the national and international highway community and private sector organizations and individuals that are essential to highway transportation.

(4) NATIONAL TRANSIT INSTITUTE

The success of the National Highway Institute leads the Committee to believe a parallel education and training mechanism should be established to further the adoption of the latest processes and technologies in the transit industry. Using the resources of Rutgers University, the National Transit Institute will increase the training given to transit officials at all levels of government, making them more amenable to implementing new transit technologies.

(5) STRATEGIC HIGHWAY RESEARCH PROGRAM

The 1987 Surface Transportation and Uniform Relocation Act established the Strategic Highway Research Program (S.H.R.P.) as a highly focused, five-year research program. S.H.R.P. evolved from start-up in 1988 to full scale operation in 1989 as the largest single highway research program in the United States, representing about one quarter of the Nation's total current spending for highway research. S.H.R.P.'s concentrated attack on practical problems of highway agencies attracted the attention and participation of country, state, national and international organizations.

S.H.R.P. research addresses four technical areas of investigation: asphalt, concrete and structures, highway operations, and long-term pavement performance. S.H.R.P. results on performance-based specifications for asphalt pavement materials, better means of controlling corrosion in steel-reinforced concrete structures, and improved products and processes for snow and ice removal are some of the areas approaching the stage for implementation, and H.R. 2950 directs the Department to conduct a program of technology transfer to encourage application and adoption of S.H.R.P. results. DOT also is directed to continue the long-term pavement performance program for improvement of pavement design and maintenance initiated under S.H.R.P. Long-term performance data on different types of pavements under different conditions will be collected at approximately 2,500 in-service test sections located throughout the U.S. and Canada. Long-term studies of environmental effects in the absence of heavy loads must also be conducted.

The Committee is aware of the current commitment of the Department of Transportation to implementation of S.H.R.P. results and carrying out the long-term pavement performance test but recognizes the potential for changes in policy under different conditions or Department administration. Understanding that states undertake substantial commitments to conduct the long-term pavement tests, the Committee believes states should be guaranteed that the Federal government will carry out its long-term commitment as well.

(6) APPLIED TECHNOLOGY

With the S.H.R.P. program as a model and seeing the potential efficiency and productivity offered by implementation of S.H.R.P.

results, the Committee wishes to lift the horizon on the application of new technologies nationwide. H.R. 2950 would direct the Secretary of Transportation to implement an Applied Technology program to accelerate the application and testing of new highway, transit, and intermodal, technologies across the country under varying conditions. DOT is required to specify guidelines to ensure that materials, processes, and techniques are tested in a variety of climatic, geographic, traffic, and environmental conditions and determine data collection and evaluation procedures to achieve the appropriate level of comparability of testing results.

Technologies to be implemented will be those designed to improve the durability, efficiency, environmental impact, productivity, and safety of highway, transit and intermodal transportation systems. While DOT is given broad discretion in implementation of technologies, many examples of the materials, processes and techniques this program is designed to test can be cited.

In the roadway, for example, an innovative European pavement technology, Stone Mastic Asphalt, incorporates high quality aggregate, modified polymers, and strict quality control to lead to a more durable, rut resistant, load carrying surface that has the potential of extending pavement life by nearly 15 percent. Drainable bases under concrete pavement have the capability of extending the service life of pavement by rapidly removing all infiltrating surface water from underneath the pavement before damage can occur. Concrete paving mixes can be designed for opening routes to traffic in less than 12 hours. For structural concrete, mixes can be designed for durability, for corrosion protection, and for strengths exceeding 14,000 psi. New practices and hardware devices such as advanced guiderail end terminals and attenuators, breakaway utility poles, equipment and devices to improve night vision, and measures to improve highway travel for an aging population all can make the roadway environment safer for the traveling public and the highway worker.

Examples of technologies which may be tested under this program in transit systems include new materials such as composites and other materials which may possess attributes such as higher strength or low noise, toxicity, or flammability. Reduced emission transit vehicle technologies, such as advanced methanol, natural gas, propane, and diesel buses might be evaluated and implemented, as well as zero emission transit technologies such as fuel cell, hydrogen, and electric powered buses. Accessibility subsystems, such as ramps, low floor vehicles, and lifts are areas that should be considered for this program.

Specific programs for evaluation and implementation of the benefits of heated bridge deck technologies, elastomer modified asphalt, and all weather pavement markings are required. Retroreflective all-weather pavement markings should provide substantial safety benefits for older drivers operating vehicles at night.

(7) INFRASTRUCTURE RESEARCH

The DOT research policy in infrastructure is explained in the January 1991 "United States Department of Transportation Research and Development Policy". The goal of the research program

is to "maintain and expand the Nation's transportation system—which will be supported by research to improve the capacity, condition, and utilization of existing transportation systems and infrastructure."

This is not a comprehensive infrastructure program, according to OTA. The June 1991 publication "Moving Ahead: 1991 Surface Transportation Legislation", stated that top priorities for short-term R&D are "technologies that address maintenance rehabilitation, and system prevention. . . ." In addition, the report addressed long-range research by concluding, "Long-range planning and R&D that look ahead to future problems simply do not exist at DCT, and this is a serious deficiency."

The Committee believes that both short and long-term surface transportation infrastructure research programs at the Department are inadequate to solve today's or tomorrow's problems in a cost-effective, timely manner.

The Nation's surface transportation infrastructure has reached a serious state of disrepair. H.R. 2950 has provided for new construction which will alleviate many existing problems in surface transportation. However, research and development of new materials, construction and maintenance methods, new machinery including the use of robotics and new non-destructive examination techniques and equipment will become even more essential to all surface transportation modes in the future.

This section calls for research into the use of high energy radiography as a means of detecting deterioration in structures while the deterioration is still in the early stages. It is the intent of the Committee that the Department investigate this area, and confer with experts in the national laboratories, universities and private industry, as appropriate, in order to determine the feasibility, the range, of deployment and cost/benefits associated with this technology.

The Committee is also concerned about the influx of heavy construction equipment from foreign nations. The concern is whether or not the private sector is able to develop innovative more productive, easy to operate, and reliable equipment.

Accordingly, the Committee authorizes the Secretary to establish a comprehensive infrastructure research program. To be included in the program is a research effort to develop non-destructive evaluation (NDE) equipment. The goal of this effort is to produce technologies that can detect corrosion, wear, and structural flaws, of bridges and other load-bearing structures in the field. Enormous savings in both time and money would result from such field testing. Further, the Committee believes that in order to develop a comprehensive program of infrastructure research, adequate data on the current status and future infrastructure needs is necessary.

The June 1991 OTA Report stated that, "At present we are making decisions about billions of dollars in Federal expenditures based on 15-year-old data that were inadequate to begin with." The Department has taken steps to initiate research in this area. The January 1991 DOT R&D policy states that DOT believes it is appropriate to sponsor research to "experiment with innovative ways to make Federal Transportation data, research findings, and information on technology and innovation in transportation available to researchers, industry and all levels of government."

The Committee, however, believes this effort is inadequate, especially in long-term infrastructure research. Accordingly, the Committee authorizes a comprehensive data collection and utilization program that will be beneficial in planning both for short and long-term research. Moreover, this computer data-based program should be able to predict future capacity, safety and infrastructure durability problems. This will be especially important for new and innovative materials that will be utilized in future infrastructure. The Committee has also authorized a program requiring that the computer-based system be available for evaluating proposed infrastructure research programs to determine potential problems and strengths before the products of the research are implemented in the field.

Finally, the Committee directs the Department to develop a computer-based data research program that can be used to evaluate the strengths and weaknesses of research plans and technologies to be implemented in the field. The goal of the research program is to improve effectiveness and efficiency of traffic patterns during rehabilitation and field construction, thereby minimizing traffic disruption while maximizing infrastructure construction opportunities.

This computer based research program is similar to one mandated for DOT's Federal Aviation Administration by Public Law 100-591.

(8) STATE PLANNING AND RESEARCH

H.R. 2950 requires that at least 25 percent of state planning and research funds be spent by states on research, development and technology transfer activities. In light of the need to consider greater integration of highway, transit, and intermodal systems, state research funds may be used for research and development purposes in the planning, design, construction, and maintenance of such systems.

(9) SEISMIC RESEARCH

As the Loma Prieta earthquake of 1989 illustrated, the infrastructure of the United States remains extremely vulnerable to earthquakes. Both the Cypress Viaduct and San Francisco Bay Bridge suffered severe damage during that incident which resulted in the deaths of 42 people. There are over 9,700 bridges in California alone that were built before the higher earthquake building code came into effect. In the eastern United States, virtually no bridges have been constructed with seismic safety in mind.

The result of this inattention to a remote but very real danger is that much of the national highway system is vulnerable to a moderate size earthquake. Experts predict that there is a 40 to 60 percent chance of an earthquake of at least a magnitude 6.0 in the eastern United States before 2020. The most violent earthquake in U.S. history took place in the New Madrid area of Missouri in 1811, and Charleston, South Carolina was virtually levelled in 1886.

Recognizing this danger and the scarce resources currently dedicated to preventing earthquake damage, the Committee directs the Department to fund research on seismic safety at a level of up to

\$4 million per year. Specifically, the Committee requires an assessment of the seismic vulnerability of U.S. highway systems and an examination of cost-effective methods for retrofitting existing facilities in cooperation with a nationally recognized earthquake engineering research facility.

(10) QUALITY ASSURANCE

Because the Nation's highway, transit, and intermodal transportation systems are among our most vital assets, methods to ensure high quality construction and maintenance merit serious consideration. Statistical quality assurance practices are currently in use or under development in approximately three quarters of the states and have been found to be an effective tool to encourage high quality construction. There is, however, great disparity in the application of statistical quality assurance methodology from state to state and many current practices and published standards are far from optimal.

H.R. 2950 requires the Department of Transportation to evaluate state statistical quality assurance practices and assess the need for a national quality assurance policy.

(11) DOT DATA NEEDS STUDY

The recent Office of Technology Assessment report, "Moving Ahead," observed that accurate baseline data and performance measures are critical to improving transportation system performance. The report notes, however, that transportation data collection was severely curtailed in the 1980s, making it difficult to develop good performance goals. H.R. 2950 requires a National Academy of Sciences evaluation of Department of Transportation data collection processes and capabilities as a first step toward development of reliable, comprehensive system performance measures. The Committee anticipates that the National Academy of Sciences study will serve as a foundation for making informed decisions on further requirements for collection of data and development of statistics within the Department of Transportation.

(12) UNIVERSITY TRANSPORTATION CENTERS AND RESEARCH INSTITUTES

H.R. 2950 builds upon the successes of the University Transportation Centers established pursuant to the 1987 Surface Transportation and Uniform Relocation Assistance, designating three new centers: a national center for transportation management research, and development; a center for transportation and industrial productivity; and a national rural transportation study center. The requirement that the Secretary provide for the establishment and operation of a clearinghouse between the centers should not be interpreted to require transfer of such functions from the center currently serving as a clearinghouse. Two University Research Institutes are required to be established to conduct national surface transportation policy studies and infrastructure research, training, and technology transfer.

(13) BUS TESTING

Various changes are made to the operational requirements of the Altoona Bus Testing Center. Additional testing shall include the determination of emission levels produced while operating on the same duty cycle as the existing fuel economy test. This established operating duty cycle will be simulated in a controlled environmental test chamber using a chassis dynamometer.

Brake performance testing shall also be included as an additional method for defining the safety characteristics of the test vehicle. The brake testing can include, but not be limited to, testing to determine when and if fading will occur under stop and go cycles.

Funding appropriated for this additional testing will be needed for development of the tests and procedures and will be utilized in the purchase of necessary test equipment and in the development of associated facilities.

In establishing the revolving loan fund for the Bus Testing Center, the Committee desires to achieve two goals. First, to give the testing facility an air of permanency and secondly, to support the research at the facility in times when no bus manufacturers are in need of testing.

In programming the use of the revolving loan fund, it is the Committee's intent to allow the operators of the testing facility to borrow from the fund to only cover operating expenses brought on by a lack of vehicles to be tested. The money will be loaned interest free for a period of two years. If any loan remains unpaid for three years, an interest rate of 3% will apply to any remaining unpaid balance, and in the fourth year an interest rate of 5% will apply. After five years, the interest rate will be fixed at 7%.

The Committee would like to clarify the Bus Testing Section 317(h)(1) of Public Law 101-17. In the opinion of the Committee the Requirement that "No funds appropriated or made available pursuant to this Act after September 30, 1989, may be obligated or expended for the acquisition of a new bus model unless a bus of such model has been tested at a facility established under section 310(b) of the Federal Mass Transportation Act of 1987" be interpreted as applying the responsibility on both the designated recipient of the funds and upon the Federal Transportation Administration as created under this Act to ensure that the above mentioned requirement is fulfilled.

(14) PLAN

The Committee believes that the Department's Transportation plan "Moving America" and the January 1991 statement on "Research and Development Policy" are good efforts. However, the Committee believes that the plan should be expanded, updated and submitted to Congress annually. One of the benefits of such an annual plan will be to provide a research program that, in the end, will serve to mobilize support for the Department's overseers in the Office of Management and Budget, the Committees of Congress with jurisdiction, and in the private sector.

The Committee requests that the plan be submitted in January, to coincide with the submission of the President's budget to Congress. The Department is to describe the plan in sufficient detail as

to assure the work conforms to the objectives contained in the Act. The plan is to be complete, identifying specific scopes of work, organization of personnel, milestone schedules, estimated costs by phase of activity, current state-of-the-art and accomplishments, problems, and plans and organization for future activities.

One of the fundamental concerns of the Committee in the development of new research for system projects is the accuracy of initial cost estimates. The Committee recognizes the difficulty in estimating costs before the full breadth of the work is sufficiently understood. For this reason, the Secretary is urged to consider planning in two stages. The first is to encompass the broad scope on a preliminary basis with research cost estimates clearly identified as being preliminary in nature. This is to be followed a year later with a second stage, which is a firm cost estimate for the technology to be developed from the research, from which the Congress can make informed decisions for budgeting purposes. The plan shall also include a 10-year long-term research and development program.

The Committee is aware that the Administration is generally unwilling to release budget figures until the President submits the budget at the beginning of each calendar year. In recognition of this, the Committee will accept the plan without budget information, so long as the detailed budget information to back up the plan is provided to the Committee concurrent with the President's budget. The first plan is due with the budget submission for fiscal year 1993.

Specifically, the plan should reflect the Committee's intent that the document show research budgets by project in the early years, but by general objective in the later years. In the first three years, program schedules, project costs, estimates of costs to complete each program, and major contracts, must be described.

The Committee recognizes the importance of technology transfer to commercial competitiveness. Inclusion of the provision requiring cooperation with industry in the Plan development should further this objective.

In order to prevent overlapping research, the Department will coordinate its planning efforts with other Federal agencies, as appropriate.

(15) NATIONAL COUNCIL ON SURFACE TRANSPORTATION RESEARCH

"Innovation, A Strategy for Research, Development, and Technology Transfer," aptly characterized the Nation's transportation research system as a complex array of interrelated programs. According to the report:

This complexity, which flows from the decentralized nature of the Nation's transportation system, threatens the credibility and support for the system, and it creates a risk that inadequate coordination might lead to undesirable gaps or duplication in the total research effort.

This report, published by the American Association of State Highway and Transportation Officials, also identified the existence of barriers to innovation, such as organizational inertia or frag-

mentation of funding and policy responsibilities, which must be overcome if transportation research is to become effective.

H.R. 2950 establishes a National Council on Surface Transportation Research to conduct a close examination of these and other important transportation research issues. The Council is to be appointed by the President and Congress from among qualified individuals. While it is recognized that there are established organizations familiar with the problems the Council is organized to examine, Congress believes it is important to create a new, independent body to undertake this challenge.

Upon completion of its evaluation of the current state of transportation research, nationally and internationally, the Council must prepare a strategic plan for U.S. surface transportation research for immediate implementation and report its findings and recommendations to the Congress. Specifically, the Council must survey current public and private research efforts, examine factors which lead to fragmentation of research efforts, determine how greater coordination can be achieved, compare U.S. government policies on transportation research with those of other governments, identify barriers to innovation in surface transportation systems, examine various funding arrangements for research and assess the level of resources currently available, identify and determine priorities for research opportunities, and prepare a national strategic plan for surface transportation research.

(16) RESEARCH ADVISORY COMMITTEE

The Research Advisory Committee (RAC) is intended to insure that the Department take maximum advantage of available outside advice in planning and evaluating its research program and projects—especially the long-term efforts. It is also uppermost in the Committee's view that Department's research must both feed and be fed by the research programs of other organizations, and that the results of the Department's research must serve the interests of the surface transportation community of the United States. Both these objectives will be furthered by the establishment of the RAC, which is to be formed after the report by the National Council on Surface Transportation Research is submitted September 30, 1993.

The Committee intends that the RAC function under Department guidance and provide its advice to the Secretary. An annual reporting provisions has been included for public access to the activities of the Committee. The Secretary has the power to appoint RAC members, and the Committee intends that he do so directly. If the RAC is to be effective, it is vital that he select the surface transportation research experts who can provide the best advice. The Committee recommends that the Secretary appoint RAC members for short, staggered terms. To insure a succession of fresh views, no members should serve indefinitely, but to insure continuity, a staggered three-year term is recommended. The RAC is intended to solicit outside advice, and while the Department should encourage its research and operational staff to be available to the RAC and attend its meetings, the voting membership of the RAC should not include Department employees.

Appointees to the RAC should be selected on the basis of their technical knowledge of the state-of-the-art and of the requirements for the research, rather than as representatives of organizations. Yet the RAC would not be useful if major Department constituencies were ignored. The Committee realizes that the RAC would be impossibly large if, for example, all trade associations or universities sent representatives. The rotating terms should make it possible to broaden representation without having an unnecessarily large committee.

The Committee does not intend that RAC members be paid for their time, but recognizes that, in some instances, individuals cannot incur the transportation expenses necessary to participate. Staff support for the RAC is expected to be provided without reference to the limitation. The Committee is aware of certain funding limitations for advisory committees administered by the Department and the "application of certain limitations" clause is intended to exempt the RAC from this and other limitations.

The Committee expects that there will be a need for certain research advice which is too specialized to be effectively considered by the full Committee. The use of subordinate committees composed of experts with specialized backgrounds such as highway vehicle technology, is encouraged under the provision of the full RAC.

The Committee strongly believes that the Department should establish a state-of-the-art research program in advance highway vehicle technology. To ensure that the best scientific research programs in highway vehicle technology are conducted by the Department, a Subordinate Committee of the Research Advisory Committee on Highway Vehicle Technology, is established. The purpose of the permanent subordinate committee on highway vehicle R&D technology is to ensure that the agency has the best scientific advice available on which to establish a world leading research program.

(17) INTELLIGENT VEHICLE HIGHWAY SYSTEMS

Intelligent vehicle highway system (IVHS) technology represents the marriage of the vehicle, the driver, and the highway into a more effective and efficient integrated transportation system. It is a prime example of recent advances in U.S. transportation technology and expertise. Implementation of IVHS on a large scale will include substantial private industry involvement and progress on the vehicle side and a high level of government involvement on the highway side to achieve its objectives.

The IVHS program will be a major contributor in creating the level of highway safety and operational efficiency needed for the U.S. in the first two decades of the 21st century. Aggressive development and operational deployment of IVHS technologies will enhance our economic position, and a vigorous U.S. program will help this country maintain its competitive position with major European and Japanese government subsidized IVHS programs.

Overall IVHS consists of a family of individual technologies and systems on different development and deployment schedules. Some technology, especially in the traffic management area, is available

for implementation today. Other technologies require substantial research and testing. The IVHS program is broadly described as including four basic system areas: advanced traffic management systems; advanced driver information systems; commercial vehicle operations; and advanced vehicle control systems.

H.R. 2950 would establish a long-term IVHS program within the Department of Transportation with broad efficiency, environmental, safety, and competitiveness goals.

Pursuant to H.R. 2950, the Secretary would be required to develop or submit:

- (1) Standards and protocols to promote compatibility among IVHS technologies;
- (2) Guidelines for evaluation of field and operational tests;
- (3) A strategic plan for IVHS, to be submitted to Congress, and regular reports to Congress on implementation of the strategic plan;
- (4) A clearinghouse for technical and safety data;
- (5) A report to Congress on the non-technical constraints and barriers to IVHS innovation;
- (6) Means to assist state and local governments in the use and evaluation of IVHS technologies.

H.R. 2950 also directs the Secretary to make grants for feasibility and planning studies for adoption of IVHS technologies, including areawide traffic management control centers.

For the implementation of IVHS systems, H.R. 2950 authorizes the use of \$150 million for each of the fiscal years 1992 through 1996. Fifty percent of such funds shall be allocated for not less than three but not more than ten corridors with high traffic density; severe or extreme ozone nonattainment; a variety of types of transportation facilities; inability to significantly expand capacity; a significant mix of passenger, transit, and commercial traffic; complex traffic patterns; and potential contribution to the strategic plan.

The remainder may be used in rural and urban corridors or areas on IVHS systems that improve operational efficiency, improve safety, improve commercial productivity, reduce regulatory burdens, and enhance motorist and traveler performance. There is significant evidence that the greatest near-term safety, productivity, and efficiency gains may be realized through implementation of fleet-related IVHS technologies.

In addition, a minimum of \$50 million in funding is authorized for meeting the other purpose of the IVHS program, including research, development, and operational testing.

The Secretary is given the discretion in fiscal years 1992 and 1993 to use such sums authorized for the IVHS corridors program as the Secretary deems appropriate for other IVHS purposes, including research, development, and operational testing. This program flexibility during the first two years is designed to address the many concerns that the \$150 million for IVHS implementation would not be wisely used while critical needs in research, development, and operational testing would go unmet.

The intermodal nature of IVHS programs and potential benefits should be emphasized. The Federal Highway Administration and the Urban Mass Transportation Administration already have un-

derway a program to improve mobility through the implementation of comprehensive, intermodal, transportation management strategies. This initiative is designed to promote alternatives to single-occupant automobile travel.

H.R. 2950 directs the Department to study and evaluate, including an analysis for cost effectiveness, all available alternate vision systems and report to Congress in one year.

The potential for major gains in transportation safety through IVHS should also be stressed. A recent research report indicates that significant reductions in crashes, injuries, and fatalities could be achieved by improvement in IVHS crash avoidance technologies. Advanced vehicle control technologies are currently being tested that could provide drivers with a warning if an intended vehicle action, such as a lane change, will place the vehicle in the path of an adjacent object or vehicles. This technology is often referred to as blind spot monitoring or alternate vision systems. Alternate vision systems are designed to be used in conjunction with truck mirror systems to provide the driver with an active alert in the form of an audible tone alert or visual display when an object is detected in the driving blind spot. These systems will aid the driver in lane change, merge, and backing maneuvers.

(18) INTELLIGENT VEHICLE HIGHWAY SYSTEMS

Intelligent Vehicle Highway Systems (IVHS) are considered to be a primary research and development goal for surface transportation in the U.S. Americans love their cars and other modes of travel have not effectively deterred the average American from using his or her car.

The Committee is looking far into the future and calls for a completely automated highway prototype roadway with automated vehicles. The Committee recognizes this as an aggressive plan but is also aware that a basic technology for a completely automated roadway was developed in the early 1960s. At that time such a system was installed by RCA at the Research Laboratories in Princeton, New Jersey. The Committee sees no reason to "move slowly" with this technology. However, the Committee does not expect the Department of Transportation to have an active highway in full automatic operation, if it is not technologically feasible, by the aforementioned date.

(19) LONG-TERM RESEARCH

The Department addressed long-term programs in its January 1991 R&D statement, "It is the DOT R&D policy to structure and R&D program * * * that reflects a balance between meeting short-term needs and providing longer term options for system development." The OTA analysis, in the June 1991 report on "Delivering the Goods", concludes, "Long-range planning and R&D that look ahead to future problems simply do not exist at DOT. * * *"

The Committee finds that the Department's long-term research planning and programs are inadequate. In order to correct the problems the Committee authorizes 15 percent of all surface transportation research funds to be used in long-term research programs. In addition, long-term is defined to mean a research project

that will not be completed within 10 years unless a research "break through" occurs or similar unexpected progress is made and the project can be completed in a shorter time."

The Committee believes that the Department should conduct research that is devoted to long-term goals, as distinct from research that merely supports regulatory or acquisition projects. The Committee finds the Department research does not look far enough into the future and that current projects tend to focus on short-term, clearly achievable goals. This leads to the neglect of research on the more risky technologies which might have application only in the longer term.

The Committee agrees that the Department should expend most of its R&D resources on immediate problems; but the Committee feels DOT has largely ignored the long-term and, therefore, mandates that at least 15 percent of the available research be directed to the establishment of a 10-year or longer generic research program.

(20) SHORT HAUL PASSENGER TRANSPORTATION SYSTEMS

The Committee notes that there are effective short haul passenger transportation systems in operation in the U.S. today. One of the most effective, quite, safe, fast and energy efficient vehicles is the "trackless trolley". Although they are not new, technically speaking, they are effective. San Francisco and Philadelphia both have such systems in operation today. However, such systems are no longer accepted by the public because of the double overhead wires essential for powering them.

Diesel buses do continue to provide a vital service in filling the needs of commuters and providing the means to connect with other forms of transportation. Buses are necessary unless some other technology can be as effective. The Committee recognizes, in order to be effective, the new technology will have to be convenient, flexible, safe, clean and affordable.

To meet this need, the Committee looks to the Department to consider and study alternatives, and recommend a systems concept research program for short haul service, preferably battery powered. In doing this, the Committee notes that battery development has not progressed to the point where it can be readily used for most surface vehicles. In spite of research in such technologies as aluminum-air and sodium-sulfur batteries, the demands placed on batteries for transportation service far exceed the capabilities of existing technologies for anything but the lightest short-range applications. On the other hand, the application of deep discharge cells when used over short distances could make an electric short haul system practical if the cells could be made to withstand frequent, rapid recharging through many cycles.

Other features could also help make the concept practical. For example, solid rubber tires when used in conjunction with a new suspension technology could reduce electric power consumption thereby extending the range of the system. Another approach might be the use of fuel cells.

The Committee also believes research on this system is one possible technology that could allow us to advance ahead of foreign competition in surface transportation systems.

(21) DOT RESEARCH

Title 49 of the U.S. Code, subtitle I, lists the purposes of the Department of Transportation. The Committee believes that the Department purposes should also include basic research. Specifically, DOT is to promote and undertake research and development related to transportation. The Committee adds the requirement to ". . . include basic highway vehicle science." The Committee believes that DOT should have a mandate to conduct research in long-term, high risk basic highway vehicle science.

In addition, the Committee authorizes that title 49, subchapter I on the duties of the Secretary of DOT shall be amended to include that the Agency will stimulate technological advances in transportation "*through research and development.*" The Committee believes that both basic scientific research and research in long-term, high risk highway vehicle sciences, are very important. Accordingly, the Committee authorizes research to be included in the fundamental mandates of the Agency.

(22) AUTOMOTIVE CONFERENCE AND AWARD

The Stevenson-Wydler Technology Innovation Act of 1980 established a program to improve the Nation's industrial technology. The Act also establishes a National Technology Medal for companies that have made outstanding contributions to the promotion of technology.

The Committee believes that in order to examine and analyze the strengths and weaknesses of the U.S. motor vehicle industry, a conference on advanced automotive research technologies should be convened. Accordingly, the Committee authorizes that the Department of Commerce convene a conference of automotive experts to examine ways in which technology transfer of research results from the Federal laboratories can improve U.S. motor vehicle industrial competitiveness. The results of the conference will be published and submitted to Congress. It is the view of the Committee that the recommendations of the conference should focus on the research necessary to improve U.S. competitiveness in automotive technology.

In order to stimulate the U.S. automotive competitiveness the Committee recommends that the Secretary of DOT establish and award a medal to Federal laboratories, personnel or automotive industry personnel who have performed research and technology development which has contributed the most to the enhancement of U.S. industrial competitiveness. The Committee authorizes specific conditions for awarding the medal and believes such a medal will stimulate automotive research in the United States.

SECTION-BY-SECTION

SECTION 1—SHORT TITLE

This Act may be cited as the "Intermodal Surface Transportation Infrastructure Act of 1991".

SECTION 2. NATIONAL TRANSPORTATION POLICY; FINDINGS, AND PURPOSES

Subsection (a) establishes of a goal of the United States to develop a national intermodal transportation system.

Subsection (b), identifies the Congress findings that relate to need to develop a national intermodal transportation system.

SECTION 3. STATEMENT OF PURPOSE

This section states the purpose of the Intermodal Surface Transportation Infrastructure Act of 1991.

SECTION 4. SECRETARY DEFINED

This section provides that the term "Secretary" when used in this Act, means the Secretary of Transportation.

SECTION 5—LIMITATION ON STATUTORY CONSTRUCTION

This section states that nothing in this Act shall be construed to apply to railroad or vessel transportation.

Title I—Federal-Aid Highways

SECTION 101. COMPLETION OF INTERSTATE SYSTEM

Subsection (a) declares that these are the final authorizations and apportionments for the completion of the construction of the Dwight D. Eisenhower National System of Interstate and Defense Highways to be made by Congress.

Subsection (b), approves the use of the apportionment factors contained in revised table 5 of the Committee Print 102-10 of the House Committee on Public Works and Transportation to apportion for all States (other than the State of Massachusetts) the Interstate construction funds authorized for fiscal year 1993.

Subsection (c) extends the apportionment period for Interstate construction five years to 1997.

Subsection (d) extends the administrative authority of the Secretary for fiscal years 1992, 1993, 1994, 1995, and 1996 to adjust the apportionment of Interstate construction funds to all states (other than Massachusetts) using the Federal share of the last Interstate cost estimate submitted to Congress. The Secretary will adjust the apportionment factors to reflect: (1) all previous credits, apportionments of Interstate construction funds and lapses of such funds, (2) previous withdrawals; (3) previous allocations of Interstate discretionary funds; and (4) Interstate transfers of funds.

Subsection (e) allocates funds to the State of Massachusetts to complete the remaining segments of the Interstate System. For Fiscal Year 1993 through 1997, a total of \$2.45 billion is made available to the State of Massachusetts, from the amounts authorized for completion of the Interstate System.

Subsection (f) increases and extends the authorizations for Interstate construction at \$2.2 billion for fiscal year 1993, \$1.8 billion for both fiscal years 1994 and 1995, \$1.5 billion for fiscal year 1996, and \$800 million for fiscal year 1997.

Subsection (g) extends the declaration of policy to complete the Interstate System over the period of forty-one years.

SECTION 102. OBLIGATION CEILING

This section generally follows existing law in establishing a ceiling on obligations that may be incurred for Federal-aid highways and highway safety construction programs. The ceilings that are established are as follows:

- (1) \$12,993,000,000 for 1992;
- (2) \$14,452,000,000 for 1993;
- (3) \$16,687,500,000 for 1994;
- (4) \$19,050,000,000 for 1995;
- (5) \$21,435,000,000 for 1996.

Exempt from this ceiling are obligations incurred for emergency relief, minimum allocation, and projects constructed under section 128(h) (high cost bridge projects), section 134(c) (congestion relief projects), section 140 (high priority corridors on national highway system), section 149 (urban and rural access projects), section 157 (advanced technology projects), and section 505 (priority intermodal transportation projects). The obligation ceiling will also not apply to obligations incurred for demonstration projects authorized under Section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Also exempt from these obligation ceilings are obligations attributed to the Pay-As-You-Go program.

As under current law, obligation authority is distributed each fiscal year by formula, the amount that can be obligated during the first quarter of the year is limited to 35 percent by state and 25 percent nationally, and amounts that are unused are redistributed on August 1. States that use all of their obligation authority and any redistribution after August 1 are permitted up to 5 percent additional obligation authority.

A special rule is provided for Massachusetts, since Massachusetts is scheduled to receive a large amount of Interstate completion funds that it may not be able to obligate. If before the beginning of a fiscal year, Massachusetts indicates that it will not obligate any portion of its obligation authority, the Secretary is directed to distribute that portion to the other states.

The bill also provides that the urbanized areas over 200,000 in population will receive a distribution of obligation authority to go along with the urban mobility funds that are attributed to those areas. The provisions of section 150 of title 23 regarding transferability of allocated funds to other urban areas in the state at the request of the governor and upon approval of the governor and upon approval of the appropriate local officials of the area and the Secretary shall apply to the transfer of obligation authority as well.

The obligation ceilings for highway safety programs of the Federal Highway Administration under section 402 are as follows:

- (1) \$35,000,000 for 1992;
- (2) \$35,000,000 for 1993;
- (3) \$40,000,000 for 1994;
- (4) \$45,000,000 for 1995;
- (5) \$50,000,000 for 1996.

If any limitation for the Federal-aid highways and highway safety programs is less than provided under this section, no funds may be apportioned nor obligated in the fiscal year that provides for a lower obligation limitation.

SECTION 103. AUTHORIZATIONS OF APPROPRIATIONS

This section authorizes amounts out of the Highway Trust Fund (other than the Mass Transit Account) as follows:

- (1) State Flexible Program:
 - 1992: \$2,043,000,000
 - 1993: \$2,303,700,000
 - 1994: \$2,616,600,000
 - 1995: \$2,990,300,000
 - 1996: \$3,513,000,000
- (2) National Highway System:
 - 1992: \$5,887,000,000
 - 1993: \$6,639,300,000
 - 1994: \$7,540,900,000
 - 1995: \$8,617,800,000
 - 1996: \$10,125,000,000
- (3) Urban Mobility System:
 - 1992: \$2,043,000,000
 - 1993: \$2,303,700,000
 - 1994: \$2,616,600,000
 - 1995: \$2,990,300,000
 - 1996: \$3,513,000,000
- (4) Rural Mobility System:
 - 1992: \$1,562,000,000
 - 1993: \$1,761,300,000
 - 1994: \$2,000,600,000
 - 1995: \$2,286,300,000
 - 1996: \$2,686,000,000
- (5) Combined Highway Safety Improvement Program:
 - 1992: \$481,000,000
 - 1993: \$542,300,000
 - 1994: \$616,000,000
 - 1995: \$704,000,000
 - 1996: \$827,000,000
- (6) Bridge Program:
 - 1992: \$2,515,000,000
 - 1993: \$2,836,200,000
 - 1994: \$3,221,500,000
 - 1995: \$3,681,500,000
 - 1996: \$4,325,000,000
- (7) Indian Reservation Roads:
 - 1992: \$200,000,000
 - 1993: \$205,000,000
 - 1994: \$215,000,000

1995: \$220,000,000

1996: \$227,000,000

(8) Forest Highways:

\$55,000,000 for each of fiscal years 1992, 1993, 1994, 1995 and 1996.

(9) Public Lands Highways:

\$40,000,000 for each of fiscal years 1992, 1993, 1994, 1995 and 1996.

(10) Parkways and Park Highways:

\$60,000,000 for each of fiscal years 1992, 1993, 1994, 1995 and 1996.

(11) FHWA Highway Safety Programs:

1992: \$35,000,000

1993: \$35,000,000

1994: \$40,000,000

1995: \$45,000,000

1996: \$50,000,000

(12) NHTSA Highway Safety Research and Development:

\$45,869,000 for each of fiscal years 1992, 1993, 1994, 1995 and 1996.

Subsection (b) provides for the continuation of the Disadvantaged Business Enterprise program with an adjustment of the 3-year annual average gross receipts limit of \$15.37 billion.

Subsection (c) authorizes the Office of the Comptroller General of the Federal Highway Administration to study the disadvantaged business program (DBE) graduation rate; the participation level of disadvantaged business enterprises with out-of-state contracts; training programs, the success rate; and performance and financial capabilities of DBEs. The Comptroller General shall transmit the report to Congress within 12 months after the date of enactment.

SECTION 104. PAY-AS-YOU-GO

Subsections (a) and (b) provide that the budget (contract) authority provided in this Act which is attributed to estimated revenues resulting from the 5-cent increase in the gas tax effective FY92 and accompanying outlays shall be considered direct spending for pay-as-you-go and deficit control purposes of secs. 252 and 253 of the Balanced Budget Act.

Subsection (c) provides that all budget (contract) authority in this Act which is attributed to the estimated revenues from the 5-cent gas tax shall be available for obligation and the outlays resulting from such amount shall be treated as pay-as-you-go.

Subsection (d) provides that the amount by which estimated revenues resulting from the gas tax increase exceeds accompanying outlays shall not be included on the pay-as-you-go scorecard, shall not be included in the "estimated deficit" for purposes of section 253 of the Balanced Budget Act and shall not be available for deficit-increasing legislation for any program other than as provided by this Act.

Subsection (e) provides that the classification of pay-as-you-go outlays shall not be construed as a change in classification, concepts or definitions and shall not result in any increase in discre-

tionary spending limit under section 251 of the Balanced Budget Act.

Subsection (f) requires, on October 1 of each Fiscal Years 1992 through 1996, that the Secretary notify each state of its estimated highway apportionments under this title and the percentage of apportionments to be treated as pay-as-you-go budget authority. The percentage shall be the percentage which the 5-cent gas tax increase is of the total budget authority to be apportioned. Each state shall then notify the Secretary before October 1 which budget authority to be apportioned shall be treated as pay-as-you-go. When funds are apportioned, the Secretary shall designate as pay-as-you-go those funds identified by the state. Such pay-as-you-go funds shall not be subject to any obligation limitations and shall be considered direct spending for purposes of sections 252 and 253 of the Balanced Budget Act. For each fiscal year, the Secretary shall determine the total designated by all the states as pay-as-you-go budget authority.

SECTION 105. DEFINITIONS

This section amends the definition for highway safety improvement projects to include the installation of priority control systems for emerging vehicles at signalized intersections. Such systems are useful and a vital part of any effective emergency response system, including response to a variety of life-threatening incidents and accidents, many of which occur on public highways. The ability of emergency vehicles to expeditiously respond to emergencies improves the response team's ability to save lives and property, and in the numerous instances where the need for the response is highway related, also reduce congestion caused by the accident. It is the intent of this provision that all elements of the priority control system necessary for its operation, be eligible for funding, including system equipment on the emergency response vehicle and components on traffic signals at intersections. The designation of the Interstate System as the Dwight D. Eisenhower National Highway System of Interstate and Defense Highways is provided for under this section. Definitions are also provided for urbanized areas, the National Highway System, the Rural Mobility System, the Urban Mobility System, operational improvements, and start-up costs for traffic management and control.

SECTION 106. FEDERAL-AID SYSTEMS

Subsection (a) establishes the four Federal-aid systems as the Interstate System, the National Highway System, the Urban Mobility System, and the Rural Mobility System. The purpose of the National Highway System (NHS) is to provide an interconnected system of principal arterial routes that will consist of highways on the Interstate System; selected urban and rural principal arterials including toll roads; highways on the Strategic Highway Network; and the major strategic highway network connectors. The Secretary through coordination with state and local officials will propose a National Highway System of 155,000 miles that could be adjusted by 15 percent.

The NHS will be based on a functional reclassification of roads and streets in each state. The routes on the NHS that were on the illustrative map submitted by the Secretary to the Committee on Public Works and Transportation in 1991 are presumed to be included on the NHS that is required to be submitted to Congress for approval by September 30, 1994. No funds will be made for carrying out the Federal-aid highway program until the Congress approves the NHS.

The rural mobility program will consist of the existing Federal-aid secondary and other major collector routes and arterials which are located in rural areas that are not a part of the National Highway System. The designation of routes as part of the rural mobility program shall be conducted by each state through its state highway department, appropriate local officials, and Indian tribal governments and subject to the approval of the Secretary.

The urban mobility system will consist of the existing Federal-aid urban system and collector routes and arterials in urban areas that are not a part of the National Highway System. The designation of routes as part of the Urban Mobility System shall be conducted by the appropriate local officials with the concurrence of the State Highway Department and subject to the approval of the Secretary.

Subsection (b) requires the approval of the Secretary of the routes designated as part of rural mobility system and the urban mobility system in order to be eligible for Federal-aid highway funds.

Subsection (c) requires each state and the Territories to functionally reclassify its roads and streets in accordance with guidelines and time schedules established by the Secretary.

Subsection (d) requires the Secretary to conduct a study on route designations of the National Highway System to examine redesignations that affect states that are not in agreement. The Secretary shall submit the report to Congress no later than September 30, 1993.

SECTION 107. FLEXIBLE PROGRAM

Subsection (a) establishes a state flexible program with funds that may be used for any eligible purposes under the National Highway System, the urban mobility system, the rural mobility system, and the combined safety program. All provisions applicable to the Federal-aid highway projects carried out under title 23, United States Code will apply to funds made available under the flexible program. Any project or activity carried out with funds apportioned under the flexible program must be a part of the states program of projects approval process and subject to approval by the Secretary.

Each state to continue all maintenance of effort requirements under the Federal-aid highway programs. No funds apportioned under the flexible program may be used in lieu of any maintenance of effort requirements.

Subsection (b) is a conforming amendment to the analysis of Chapter 1 of title 23 U.S.C. to identify the State Flexible Program.

SECTION 108. PROJECT ELIGIBILITY

This section identifies the eligible activities for funding the National Highway System, the urban mobility system, and rural mobility systems.

Included as an eligible activity is the establishment and preservation of state wetlands mitigation banks. A wetlands mitigation bank is the establishment of wetlands sites which can be used or banked against wetlands takings for individual projects.

The Committee intends to promote and encourage states to establish wetlands mitigation plans and state or regional wetland conservation and enhancement banks which can be used as mitigation for multiple individual projects.

The wetlands bank concept must be pursued aggressively because the location of sites within the specific area of taking has become increasingly difficult and the creation of small, isolated mitigation sites rather than large contiguous sites is usually less desirable from a public benefit and ecological viewpoint.

Advance contributions are essential to expedite and facilitate the creation of these environmentally-significant wetlands banks and the protection and conservation of these valuable natural resources. Advance payments will ensure an early start to the mitigation efforts that are vital to the protection of the wetland habitat. National Highway System, urban mobility and rural mobility funds may be used for important environmental protection efforts that will contribute greatly to the quality of life in many areas.

SECTION 109. SUBSTITUTE PROGRAM

Subsection (a) amends section 103(e)(4)(G) of title 23, United States Code, to authorize \$240 million per fiscal year for each of the fiscal years 1992 through 1995 to complete the remaining Interstate substitute highway projects. The Interstate substitute highway funds are apportioned in accordance with cost estimates adjusted by the Secretary.

Subsection (b) provides for apportionment of Interstate substitute transit funds for fiscal years 1992 and 1993 in accordance with cost estimates adjusted by the Secretary.

Substitute funds are made available until expended.

SEC. 110. APPORTIONMENTS

This section establishes apportionment formulas for the newly restructured programs as follows:

(1) The formula for the *National Highway System* combines diesel fuel use ($\frac{1}{3}$), vehicle miles of travel (urban $\frac{2}{3}$, rural $\frac{1}{3}$, and lane miles (urban $\frac{2}{3}$, rural $\frac{1}{3}$). No state shall receive less than $\frac{1}{2}$ of 1 percent of each year's apportionment. For purposes of this paragraph the Territories shall be considered together as one state.

(2) The *Rural Mobility System* apportionment is based on rural factors: $\frac{1}{2}$ on the basis of rural lane miles and $\frac{1}{2}$ on the basis of rural population. No state (other than the District of Columbia) shall receive less than $\frac{1}{2}$ of 1 percent of each year's apportionment.

(3) The *State Flexible Program* is apportioned on the basis of a state's relative contributions to the Highway Trust Fund. No state shall receive less than $\frac{1}{2}$ of 1 percent of each year's apportionment.

(4) The *Urban Mobility System* is apportioned on the same basis as the current Federal-aid urban system is apportioned: the relative share of population in urban areas. No state shall receive less than $\frac{1}{2}$ of 1 percent of each year's apportionment.

The bill includes a hold harmless provision to ensure that no state will receive less in basic apportionments than it received in 1991. Thus, if under the apportionment formulas a state will receive less in 1992 for Interstate substitute highway, National Highway System, rural mobility system, state flexible program, Interstate construction, urban mobility program, urban planning, combined safety program, and bridge than it received in 1991 for Interstate substitute highway, primary, secondary, Interstate construction, Interstate 4R, urban, urban planning, rail-highway crossing, bridge, and hazard elimination, then the state will receive an additional amount as necessary to bring the 1992 level up to the 1991 level. These additional amounts may be used for any purpose eligible under title 23.

This section also sets forth rules for transferability of National Highway System funds. A state may transfer up to 25 percent of its NHS funds to its urban or rural mobility apportionments (or some combination of the two) without any conditions. The state may transfer up to an additional 10 percent if the Governor of the state determines that the Interstate System is being adequately maintained in the state. A special rule provides that for any state in which 90 percent area of a state is in clean air nonattainment areas, the state may transfer up to 100 percent of its NHS apportionment to urban or rural apportionments.

One percent of the amounts authorized under this section are available for metropolitan planning purposes.

Finally, the Secretary is required to conduct a study of the manner in which alternative fuels are treated for purposes of determining a state's relative revenue contributions to the Highway Trust Fund and report to Congress within two years after the date of enactment.

SECTION 111. PROGRAM AND PROJECT APPROVAL

This section continues the requirement for a state to submit a program of projects for approval of the Secretary each fiscal year. Beginning with FY 1993, the Secretary may not approve a project that has not been included in a transportation improvement program developed under the new planning requirements under sections 134 and 135 of title 23.

It is the intent of the Committee that project selection and approval be conducted in a fair and equitable manner. Each state should establish a process for developing projects through the involvement of local government officials.

In areas over 50,000 in population, projects to be funded with Urban Mobility funds must be selected by the metropolitan planning organization in consultation with the state. For other projects

in these areas as well as for projects outside urbanized areas, the state must consult with local officials in the selection of projects.

In urbanized areas over 200,000 in population, the Secretary may not approve highway project (other than a project for construction of high occupancy vehicle lanes) which will increase capacity unless the project is consistent with any congestion management system for such area.

The Secretary may not approve a highway project which has associated with it a project for construction of a pedestrian walkway or bicycle transportation facility unless the Secretary first approves the walkway or bicycle facility.

For urbanized areas over 200,000 in population, the Secretary may not approve a highway project that will significantly increase the motor vehicle carrying capacity of the highway unless the project is consistent with the congestion management system for the area. In addition, for any highway project that has an associated pedestrian walkway or bicycle facility, the Secretary may not approve the highway project unless he first approves the pedestrian or bicycle facility.

SECTION 112. PRECONSTRUCTION ACTIVITIES

Subsection (a) amends section 106(c) of title 23, U.S.C. to provide for items included in estimates for construction engineering for a state for a fiscal year may not exceed 15 percent of the total estimated costs of Federal-aid projects.

Subsection (b) requires the Secretary to consult with the states and report to Congress within two years a national list of rights-of-way that may be included in a Transportation Right-of-Way Land Bank in order to preserve vital transportation corridors. The states are permitted to use funds apportioned for the National Highway System, the urban mobility, and rural mobility systems for to purchase right-of-way to preserve transportation corridors. Any right-of-way acquired under the provisions of this subsection may not be converted for non-transportation purposes.

SECTION 113. LETTING OF CONTRACTS

This section amends section 112(b)(2) of title 23, U.S.C. to require that any audit of a contract or subcontract awarded as a part of a Federal-aid highway project shall be performed and audited in compliance with the cost principles contained in the Federal acquisition regulations of part 31 of title 48 C.F.R. The indirect cost rates established in accordance with Federal acquisition regulations shall apply for the purposes of contract estimation, negotiation, administration, report, and contract payment and shall not be limited by administrative or de facto ceilings.

The intent of these provisions is to establish a single and uniform audit procedure for qualifications based engineering and design services.

SECTION 114. CONVICT PRODUCED MATERIALS

This section clarifies the intent of Congress that materials produced by convict labor after July 1, 1991, may not be used for Federal-aid highway construction projects unless produced at a prison

facility producing convict made materials for Federal-aid construction projects prior to July 1, 1987.

SECTION 115. PERIOD OF AVAILABILITY

Interstate construction funds apportioned on October 1, 1989 and 1990 will remain available until expended in accordance with the law that applied when they were apportioned. Interstate construction funds apportioned on October 1 of 1991 through 1994 will remain available for one year. The Interstate apportionment on October 1, 1995, which will be the last apportionment of Interstate construction funds, will remain available until expended.

The bill continues the Interstate construction discretionary fund, but at \$150 million per year rather than \$300 million under existing law. The bill also continues a discretionary program for Interstate 4R projects. Since there will no longer be a separate apportionment for Interstate 4R, this discretionary program will be taken from the National Highway System authorization.

SECTION 116. INTERSTATE SYSTEM RESURFACING

Section 119 of title 23, United States Code is amended to require a minimum amount of funds apportioned to the states for the National Highway System must be used for interstate resurfacing, restoring, and rehabilitating. The minimum amount shall be equal to 70 percent of the amounts apportioned to each state in fiscal year 1991 under the Interstate 4R program.

SECTION 117. FEDERAL SHARE

Generally, the Federal share for projects on the Interstate System will continue to be 90 percent (other than the construction of Interstate route 287 in New Jersey). An exception to this is reconstruction projects adding lane capacity (except for HOV lane projects which will continue to receive the 90 percent match).

All other projects will receive an 80 percent Federal share.

In both cases existing law providing for increased shares on public lands and nontaxable lands is continued.

SEC. 118. EMERGENCY RELIEF

Subsection (a) extends from 90 days to 180 days the period to receive 100 percent funding for emergency repair work.

Subsection (b) increases the annual limitation imposed on the Territories for receipt of emergency relief funds from \$5 million to \$20 million.

Subsection (c) establishes the effective date for the applicability of the amendments made under this section to disasters occurring after the date of enactment of this Act.

Subsection (d) authorizes the Secretary to advance emergency relief funds to the State of Washington to repair a bridge damaged in November 1990. Repayment of the advance of emergency relief funds is required if it is determined that the cause of the damage to the bridge was the result of human error.

SEC. 119. GROSS VEHICLE WEIGHT RESTRICTION

Subsection (a), Continuation of Certain Longer Combination Vehicles, amends title 23 U.S.C. by adding a new substitution (d).

New subsection (d)(1) provides that except as provided in this subsection, no state may allow a longer combination vehicle to be operated on the Interstate System within its boundaries, without having its apportionment withheld under subsection (a).

New subsection (d)(2) permits a state to continue to allow to be operated on the Interstate System within its boundaries longer combination vehicles with configuration and weight if (a) the state determined on or before June 1, 1991 that such longer combination vehicles with such configuration and weight could lawfully operate on such system pursuant to a state statute or regulation in effect on June 1, 1991; and if the longer combination vehicles with such configuration and weight were in lawful operation on a regular or periodic basis (including seasonal operation or operation pursuant to a permit issued by the state; or if longer combination vehicles with such configuration and weight were in lawful operation on a regular or periodic basis on such System on or before June 1, 1991 pursuant to section 335 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (104 Stat. 2186); and (B) if all operations of longer combination vehicles with such configuration and weight on the Interstate System continue to be subject to, at a minimum, all state statutes, regulations, limitations; and conditions (including routing-specific and configuration specific designations and all other restrictions) in effect on June 1, 1991; except that subject to guidelines established by the Secretary, the state may make minor adjustments to routing-specific designations for safety purposes and for road construction purposes.

New subsection (d)(3) provides that in addition to the vehicles which may continue to operate in the State of Wyoming under (d)(2), such state may allow commercial motor vehicle combinations not in acutal use on June 1, 1991 on the relevant system and highways by enactment of a state law on or before November 3, 1992. The state must notify the Secretary of enactment of such state law within 30 days and the Secretary must publish notice of the enactment of such law in the Federal Register.

New subsection (d)(4) provides that states may further restrict or prohibit vehicles covered by this provision, however, any such restriction or prohibition must be consistent with sections 411, 412, and 416 of the Surface Transportation Assistance Act of 1982 (40 U.S.C. App. 2311, 2312, and 2316). Any such changes must be submitted to the Secretary. Such change must be published in the Federal Register by the Secretary.

New subsection (d)(5) requires that within 90 days after the effective date of this subsection (October 1, 1991) states must complete and file in writing with the Secretary a complete list of all state statutes, regulations, limitations and conditions governing the operation of these types of vehicles.

If the state fails to file within the specified time, the Secretary is given the authority to complete and file the list for the state.

The state is further required to certify in writing that the state had determined pursuant to a state statute or regulation in effect

on June 1, 1991 that such longer combination vehicles could lawfully be operated on such relevant system and highways, and such combinations were in operation on a regular or periodic basis on such system and highways on or before June 1, 1991.

The Secretary is required to publish the list in the Federal Register. After publication the Secretary is required to review the certifications and may commence a proceeding, on the Secretary's own initiative or pursuant to a challenge by any person, to determine whether or not the state's certification is inaccurate. The state has the burden of proof.

If the Secretary determines the certification is inaccurate, the Secretary is required to amend the list published in the Federal Register.

This subsection also provides that no state statute or regulation shall be included on the list published by the Secretary merely on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of longer combination vehicles not in actual operation on a regular or periodic basis on or before June 1, 1991.

This subsection further provides the lists published in the Federal Register shall become final on the 30th day after publication, with the exception of adjustments made pursuant to paragraphs 2(B) 3 and 4 and subparagraph (D) of paragraph 5.

New subsection (d)(6) requires the Secretary to issue regulations establishing guidelines for states to follow in making minor adjustments for safety or road construction purposes.

New subsection (d)(7) provides that nothing in this subsection should be construed to allow operation on the relevant system or highways of any Commercial Motor Vehicle prohibited under section 411 (j) of the Surface Transportation Assistance Act of 1992 (49 U.S.C. App. 2311 (j)).

New subsection (d)(8) provides that if a state allows a longer combination vehicle to be operated on the Interstate System within its boundaries in violation of this subsection, the state shall have its apportionment of funds withheld under subsection (a).

New subsection (d)(9) defines longer combination vehicle; it further requires that each state certify that it is complying with the provisions of section 127(d) of this title and section 411(j) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311(j); and makes a conforming amendment.

Subsection (b) Interstate Route 68—amends Section 127 title 23 by adding at the end the following new subsection (e).

New subsection (e) provides that the single axle tandem axle, and bridge formula limits set forth in subsection (a) shall not apply to the operation on Interstate 68 in Garrett and Allegany Counties, Maryland, of any specialized vehicle equipped with a steering axle and a tridem axle and used for hauling coal and logs if such vehicle is of a type of vehicle as was operating in such counties on U.S. 40 or 48 for such purposes in calendar year 1991.

Subsection (c) makes a conforming amendment.

Subsection (d) requires the Secretary to conduct a study pertaining to transporters of water well drilling rigs on public highways to determine if state and federal requirements place a burden on them. The report is due 2 years after date of enactment.

Subsection (e)(1) provides for a waiver from the axle weight requirements and bridge formula for firefighting equipment. The waiver is for two years, but it may be extended for one additional year. The waiver applies to the Federal requirement.

Subsection (e)(2) provides that during the period in which the waiver is in effect, the Secretary is to conduct a study on this type of equipment and its regulations by the various states, including the issuance of permits by states. The purpose is to determine whether there is a need for a change in Federal and state laws with respect to such vehicles.

Subsection (e)(3) provides that a report on the study, together with the recommendations of the Secretary, shall be submitted to Congress within 18 months of the date of enactment.

SECTION 120. TOLL ROADS, BRIDGES, AND TUNNELS

This section generally changes the existing prohibition on Federal funding of toll facilities. Federal participation is permitted in the following:

- (1) construction of a new toll highway, bridge, or tunnel (except on the Interstate System);
- (2) 4R work on an existing toll highway, bridge, or tunnel;
- (3) reconstruction or replacement of a free toll bridge or tunnel with conversion to a toll facility;
- (4) reconstruction of a toll-free highway (except on the Interstate System) with additional capacity and full access control, and conversion to a toll facility.

A toll project may be publicly or privately owned. A toll project could be privately owned under an agreement with a public authority under which the private party would design, finance, construct, and operate the facility (or some combination of these). The public authority would remain responsible for meeting the requirement of Federal law. A publicly owned project could also be privately operated.

Toll revenues would be required to be used first to pay off debt from the project being funded and to operate and maintain the facility during the period of repayment, and would be available to provide a reasonable rate of return on capital invested by private parties. After the period of repayment, the state could use tolls both to operate and maintain the facility and to fund other transportation projects within the state.

The Federal share of a toll project could not exceed 35 percent. The state would have the discretion to lower the share below 35 percent.

A public authority operating under an existing toll agreement could continue to operate under that agreement. These agreements generally permit Federal funding for the project at the regular Federal share during the period of repayment, but upon repayment require the authority to remove the tolls. The authority could choose to abrogate the agreement and come under the new provision which would permit tolls to continue after repayment of debt.

This provision allows the Maryland Transportation Authority, the owner of the Fort McHenry Tunnel in Baltimore, Maryland, to enter into a new agreement with the Federal Highway Administra-

tion governing the use of revenues collected at the tunnel. Under the new agreement, current toll revenues in excess of the amount needed for repayment of debt and operation and maintenance of the tunnel could be used for other transportation projects in Maryland eligible for assistance under Title 23, including costs such as debt service and other costs related to the construction, reconstruction, operation, restoration, repair, operation and maintenance of transportation facilities under the jurisdiction of the Maryland Transportation Authority. A related provision in the Surface Transportation Act of 1987 allowed tolls to be continued on the Fort McHenry Tunnel after recovery of the non-federal share, without repayment of federal funds.

A similar provision permits tolls to be continued on the Pennsylvania Turnpike Bridge over the Delaware River, and for excess tolls to be used on other facilities under the jurisdiction of the Delaware River Joint Toll Bridge Commission.

SECTION 121. COMBINED HIGHWAY SAFETY IMPROVEMENT PROGRAM

Subsection (a) establishes a combined highway safety improvement program which will consist of the existing hazard elimination program and the railway-highway crossings program. The states will be required to conduct a survey of safety improvements. The Federal for the combined highway safety improvement program is 80 percent. However, for railways-highway crossings projects, the Secretary must determine the net benefit cost of any improvements to the railroad. Funds are apportioned using the existing formula: 50 percent under the hazard elimination formula and 50 percent using the railway-highway formula.

There is also set-aside \$300,000 of the funds authorized per fiscal year for each of the fiscal years 1992 through 1996 for operation lifesaver.

Subsection (b) are technical and conforming amendments to title 23, United States Code.

Subsection (c) requires the Secretary to initiate a rulemaking proceeding within 30 days after the date of enactment of this Act to revise the guidelines and standards for the installation of roadside crash cushions in order to reflect the state-of-the-art designs. The final rule shall become effective not later than 1 year after the effective date of this title.

Subsection (d) requires the Secretary to coordinate the field testing of the vehicle proximity warning alert system and comparable systems to determine their feasibility for use by priority vehicles as an effective railroad-highway grade crossing device.,

SECTION 122. CONTROL OF OUTDOOR ADVERTISING

Subsection (a) authorizes a state to use any Federal-aid highway funds apportioned to the state for the removal of nonconforming signs in accordance with the requirement to pay just compensation.

Subsection (b) requires the owner of an illegal sign to remove it within 90 days from enactment of this Act. If the owner of an illegal does not remove it within the 90 day period, the state shall remove the illegal sign and assess the costs for removal to the owner of the illegal sign.

Subsection (c) prohibits the erection of any new sign along any highway on the Interstate System or Federal-aid primary system (as in existence on June 1, 1991) that is designated as a scenic byway under a state scenic byway program.

SECTION 123. METROPOLITAN PLANNING

This section revises and strengthens the metropolitan planning process. The general objective of the planning process is to develop transportation facilities that will function as an intermodal transportation system, giving emphasis to those facilities which serve important national and regional transportation functions such as moving goods within the urbanized area and to distant markets, enhancing productivity and economic competitiveness, enabling persons to move quickly to and from their homes, jobs, and other destinations, providing access to international border crossings, and connecting roadways within the area with roadways outside the area.

Each urbanized area (over 50,000 in population) is required to designate a metropolitan planning organization to carry out the planning required by this section. Existing MPOs are treated as continuing and are not required to be redesignated.

The planning process for an area is required to cover the existing urbanized area plus the area expected to become urbanized within the planning forecast period. In addition, the covered area may include the entire metropolitan statistical area or consolidated metropolitan statistical area, or an area designated as nonattainment for transportation-related pollutants.

The planning process will include both a long-range plan and a transportation improvement program (TIP). In developing the long-range plan and the transportation improvement plan, the MPO shall provide affected parties a reasonable opportunity to comment on the proposed plan. The TIP is prepared cooperatively with the state and includes projects proposed for funding under title 23 and the Urban Mass Transportation Act of 1964 that are consistent with the long-range plan and conform to the applicable clean air state implementation plan. A project can only be included in a TIP if it can reasonably be expected to be funded within the time period contemplated for completion of the project. The TIP must be revised at least every 2 years.

Nothing in this section or in section 135 of title 23, as added by section 124 of the bill, changes any requirement of the Clean Air Act.

The bill lists a series of factors to be considered in developing plans and programs. In summary these include:

- (1) efficient use of existing transportation facilities;
- (2) energy conservation goals;
- (3) social, economic, and environmental affects;
- (4) requirements of the Clean Air Act;
- (5) methods to reduce and prevent traffic congestion;
- (6) methods to expand and enhance transit use;
- (7) effect on land use and land development;
- (8) transportation needs identified by management systems;
- (9) innovative methods of financing;

- (10) preservation of transportation corridors;
- (11) long-range needs;
- (12) methods to enhance efficient movement of commercial vehicles.

In addition to any other requirements, urbanized areas over 200,000 in population must develop plans and programs in cooperation with the state and affected transit operators. Also these urbanized areas must have a congestion management system appropriate for the size of the area and the complexity of the transportation problems in the area. The congestion management system must be coordinated with the development of the state implementation plan for the Clean Air Act.

Finally, this section provides for the establishment within DOT of an advisory committee to review the metropolitan planning process and its relationship with the state planning process.

SECTION 124. STATEWIDE PLANNING

In carrying out statewide transportation planning, the state is required to prepare a long-range plan and a transportation improvement program, taking into consideration the factors listed for the metropolitan planning process. Specifically, the state is required to incorporate, coordinate, and reconcile the plans and programs developed under the metropolitan planning process, provide for comprehensive planning the areas of the state which are not urbanized areas, consult with Indian tribal governments, and establish management and traffic monitoring systems.

SECTION 125. FRINGE AND CORRIDOR PARKING FACILITIES

This section authorizes the states to use any of their Federal-aid highway funds (other than the National Highway System funds) for the acquisition of land adjacent to the right-of-way of Federal-aid systems outside a central business district for the construction of publicly owned parking facilities.

SECTION 126. INDIAN NONDISCRIMINATION

Subsection (a) amends section 140 of Title 23 to make Indian tribal governments eligible for grants to develop, conduct and implement highway construction training and skills programs.

Subsection (b) amends section 140(d) to authorize states to extend Indian employment preference programs to projects near reservations. Currently, such programs are limited to Indians living on or near reservations and to projects on Indian reservation roads.

SECTION 127. PUBLIC TRANSPORTATION

This section extends the public transportation provisions for the acquisition of transit capital projects, capital improvements to provide access and coordination between intercity and rural bus service, and construction of facilities to provide connections between highway transportation and other modes of transportation to the urban and rural mobility systems.

The Secretary may also approve the use of funds apportioned to the states (other than NHS) funds) to make modifications to existing highway facilities to accommodate other modes of transporta-

tion if the modifications will not adversely affect automotive safety or future highway improvements.

Projects carried out in urbanized areas shall be subject to the metropolitan planning requirements. The use of the rights-of-way are made available to public and private persons for transportation projects at no charge.

SECTION 128. BRIDGE REPLACEMENT AND REHABILITATION

Subsection (a) requires the Secretary, in consultation with the Secretary of Interior to conduct an inventory of Indian reservation and park bridges; classify them according to serviceability, safety, and essentially for public use; assign a priority for replacement or rehabilitation; and determine the cost of replacing or rehabilitating each bridge.

Subsection (b) adds bridge painting and the application of calcium magnesium acetate as eligible cost under the bridge program.

Subsection (c) provides for an 80 percent Federal share.

Subsection (d) authorizes \$270 million per fiscal year for each of the fiscal years 1992 through 1996 for the bridge discretionary program. Of that amount, \$20 million per fiscal year is set-aside for timber bridges.

Subsection (e) extends the provisions of the off-system bridge program and permits the cost of bridge painting and the application of calcium magnesium acetate to off system bridges.

Subsection (f) requires that not less than 1 percent of the amount apportioned to each state in bridge funds shall be used on Indian reservation bridges. The funds will be deducted in advance of each state's apportionment and allocated to the Secretary of the Interior for expenditure. The Secretary may reduce the set-aside with the concurrence of the Secretary of the Interior after consultation with the state and tribal governments if it is determined that there are inadequate needs to justify such expenditure. The non-Federal share for Indian reservation bridge projects may be paid from amounts made available from the Indian reservation roads program.

Subsection (g) protects any previously apportioned bridge funds.

Subsection (h) identifies and allocates funds for high cost bridge projects.

SECTION 129. CARPOOL AND VANPOOL PROJECTS

This section amends section 146(a) of title 23, United States Code, to clarify that Federal-aid funds (other than NHS funds) apportioned to the state may be used for carpool and vanpool projects.

SECTION 130. NATIONAL MAXIMUM SPEED LIMIT COMPLIANCE PROGRAM

Subsection (a) amends section 154(a) of title 23, United States Code, by permitting a state to raise its maximum speed limit to 65 mph on any highway within its jurisdiction located outside an urbanized area of 50,000 population or more (A) which is constructed to interstate standards in accordance with section 109(b) of this title and connected to a highway on the Interstate System, (B) which is a divided 4-lane fully controlled access highway designed

or constructed to connect to a highway on the Interstate System posted at 65 miles per hour and constructed to design and construction standards as determined by the Secretary which provide a facility adequate for a speed limit of 65 miles per hour, or (C) which is constructed to the geometric and construction standards adequate for current and probable future traffic demands and for the needs of the locality and is designated by the Secretary as part of the Interstate System in accordance with section 139(c) of this title.

Subsection (b) requires (1) the data required to be collected by the Secretary relate to all maximum speed limit highways and (2) the Secretary to issue regulations which ensure (1) that the monitoring programs conducted by the states to collect data for purposes of this subsection are uniform, (2) that devices and equipment under such programs are placed at locations on maximum speed limit highways on a scientifically random basis which takes into account the relative risk, as determined by the Secretary, of motor vehicle accidents occurring considering the classes of such highways and the speeds at which vehicles are traveling on such classes of highways, and (3) that the data submitted under this subsection will be in such form as the Secretary determines is necessary to carry out subsection (f).

Subsection (c) amends section 154 of Title 23 by striking subsection (f) and replacing such subsection with the following provisions.

Subsection (f) requires that the Secretary shall transfer not less than 1 percent and not more than 5 percent of the funds apportioned to the state for the succeeding fiscal year under each of subsections (b)(1), (b)(2), and (b)(6) of section 104 of this title to the apportionment of the state under section 402 of this title if the percentage of vehicles traveling in a fiscal year in a state on: (A) 55 mph Interstate highways at speeds in excess of the posted speed limit plus 5 miles per hour exceeds 50%; (B) 55 mph Interstate highways at speeds in excess of the speed limit plus 10 miles per hour exceeds 30 percent; (C) 65 mph Interstate highways at speeds in excess of the posted speed limit plus 5 miles per hour exceeds 35 percent; (D) on 65 mph Interstate highways at speeds in excess of the speed limits plus 10 miles per hour exceeds 20 percent; (E) non-interstate highways at speeds in excess of the posted speed limit plus 5 miles per hour exceeds 30 percent; or (F) noninterstate highways at speeds in excess of the posted speed limit plus 10 miles per hour exceeds 15%.

Under this subsection, if the apportionment of a state is transferred pursuant to this paragraph in 2 or more consecutive fiscal years, the minimum percentage to be transferred shall be 2 percent and the maximum percentage to be transferred shall be 10 percent.

Subsection (2) requires the Secretary to consider the number of categories listed in subparagraphs (A) through (F) of paragraph (1) in determining the percentage of funds of state to be transferred under this subsection.

Subsection "(3)" requires a state to obligate at least 50 percent of its funds transferred pursuant to paragraph "(1)" for a fiscal year for speed limit enforcement and public information and education. At the request of a state, the Secretary may waive this requirement for any fiscal year quarter if in the preceding fiscal year

quarter the state was in compliance with all of the categories listed in subparagraphs (A) through (F) of paragraph "(1)".

Subsection "(g)" requires the Secretary to carry out this section and section 141(a) of this title through the National Highway Traffic Safety Administration, in cooperation with the Federal Highway Administration. This subsection also requires the Secretary to transfer any employees of the Federal Highway Administration who, on the date of the enactment, are carrying out any duties with respect to this section or section 141(a) of this title or both to the National Highway Traffic Safety Administration.

Subsection "(h)" defines the terms used in this section.

Subsection (c) places a moratorium on the withholding of apportionments of any state for failure to comply in fiscal year 1991 with section 154 of such titles, as in effect on the day before the effective date of this title, or section 141(a) of such title.

SECTION 131. MINIMUM ALLOCATION

The Committee bill continues the minimum allocation program with two important changes.

First, the Committee is proposing to return to the method of calculating minimum allocation in the same manner as was done in the 1982 Act. This method bases the calculation on apportioned amounts, removing discretionary grants from the calculation.

Secondly, the Committee proposes to increase the minimum allocation level to 90 percent from 85 percent.

The section also provides a new supplemental minimum allocation based upon authorizations in the bill for special projects. Each state would be guaranteed to receive for each fiscal year a percentage of the total allocations for that fiscal year under sections 128(h), 134(c), 140, 149, 157, and 505. The state's percentage would be 90 percent of the state's percentage of estimated tax payments attributable to highway users in the state paid into the Highway Trust Fund.

SECTION 132. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAY

This section amends Section 217 of title 23, United States Code. It provides in subsection (a) that with the approval of the Secretary, a state may obligate its Rural and Urban Mobility and Flexible funds to construct pedestrian walkways and bicycle transportation facilities on land adjacent to any Federal-aid highway except on the Interstate system, except that no bicycle projects may be carried out that are not principally for transportation rather than recreational purposes; in subsection (b) that with the Secretary's approval, a state may obligate its national highway system funds for projects included in its section 105 program of projects to construct bicycle transportation facilities on land adjacent to any National Highway System highway other than on the Interstate system; in subsection (c) that funds authorized for forest highways, forest and public lands development, roads and trails, park roads, parkways, Indian reservation roads and public lands highways shall be available for the construction of pedestrian walkways and bicycle transportation facilities in conjunction with such trails, roads, highways and parkways at the discretion of the department

which administers the funds; in subsection (d) that states shall use urban and rural mobility and flexible apportionments to fund a bicycle and pedestrian coordinator position within the state department of transportation. The coordinator shall promote and facilitate increased use of nonmotorized modes of transportation, development of pedestrian and bicycle facilities, and public education, promotional and safety programs for using the facilities; in subsection (e) that in Federally-assisted bridge deck replacement or rehabilitation projects on highways which are not fully access controlled and bicycles are permitted to operate at each end, accommodations for bicycles may be included in the project if the Secretary determines it is safe to do so and it can be provided at a reasonable cost; in subsection (f) that the Federal share shall be 80% for the construction of pedestrian walkways and bicycle transportation facilities; in subsection (g) that pedestrian walkways and bicycle transportation facilities shall be located and designed as part of an overall plan with due consideration for safety and contiguous routes; in subsection (h) that no motorized vehicles shall be permitted on pedestrian walkways and trails except for maintenance purposes or when snow conditions and state or local regulation permit snowmobile or state and local regulations permit motorized wheelchairs; and in subsection (i) that a bicycle transportation facility means new or improved lanes, paths or shoulders for use by bicyclists, traffic control devices, shelters and parking facilities for bicycles.

SECTION 133. INDIAN RESERVATION ROADS

This section amends Section 204 of title 23 by providing in subsection (a) that two percent of each year's Indian Reservation Roads funds shall be allocated to tribal governments applying for transportation planning pursuant to the Indian Self Determination and Education Assistance Act. The tribal government, in cooperation with the Secretary of the Interior, and, as appropriate, with a state, local government or metropolitan planning organization, shall develop a transportation improvement program that includes all Indian reservation road projects proposed for funding. Projects shall be selected by the tribal government from the transportation improvement program, subject to the approval of the Secretaries of the Interior and Transportation.

Subsection (b) provides that the Secretary of Transportation shall conduct a study on differences between the use of funds from the Highway Trust Fund on Indian reservation roads and rural mobility highways to identify inequities; and within one year of the date of enactment, the Secretary shall transmit to Congress a report on the results of the study under this subsection with any legislative and administrative recommendations for correcting inequities identified by the study.

SECTION 134. MANAGEMENT SYSTEMS

The Secretary is required to issue regulations within 1 year for the development, establishment, and implementation of 6 management systems: pavement, bridges, safety, congestion, public transportation, and intermodal. The regulations may include a compli-

ance schedule and minimum standards. The regulations must also include requirements for a traffic monitoring system.

Beginning with fiscal year 1996, the Secretary may withhold 10 percent of funds apportioned under title 23 and the Urban Mass Transportation Act of 1964 to any state unless the state was implementing each of the 6 management systems and certifies that the state was implementing the systems in the preceding fiscal year.

The state is required to cooperate with MPOs in developing and implementing management systems and must consider the results of management systems in making project selections.

The state may use its NHS, rural mobility, State flexible, and urban mobility apportionments to develop and establish management systems, and may use bridge apportionments to develop and establish the bridge management system.

Finally, this section authorizes \$100 million for 1992 and \$150 million for each of fiscal years for specific congestion relief projects.

SECTION 135. HIGHWAY SAFETY PROMOTION PROGRAM

Subsection (a) amends chapter 3 of Title 23.

New subsection (a) provides that the Secretary shall carry out research, development and technology transfer activities to promote the safe operation and maintenance of commercial motor vehicles in interstate commerce.

New subsection (b) authorizes the Secretary to make grants to, and enter into cooperative agreements with, a not-for-profit membership organization that has been engaged exclusively in truck-related research and education since 1985.

New subsection (c) provides that the Federal share of the cost of activities under this section shall be 100 percent.

New subsection (d) authorizes appropriations out of the Highway Trust Fund to carry out this section.

New subsection (e) makes clear that approval by the Secretary of a grant under this section shall be deemed a contractual obligation of the United States.

New subsection (f) provides that the Secretary shall submit an annual report beginning January 1, 1993, which provides information on the progress and activities of the programs conducted under this section.

Subsection (b) of section 135 is a conforming amendment change.

SECTION 136. LIMITATION ON DISCOVERY OF CERTAIN REPORT AND SURVEYS

This section clarifies that no report, survey, schedule list, or data compiled for the purpose of complying with section 130 and 144 of title 23, United States Code, or for developing any highway safety construction project which may be implemented with Federal-aid highway funds shall be subject to discovery or admitted into evidence in a Federal or state court proceeding.

SECTION 137. BUY AMERICA

This section clarifies the intent of Congress to include products manufactured with iron under the Buy America provisions.

SECTION 138. RELOCATION ASSISTANCE REGULATIONS RELATING TO THE RURAL ELECTRIFICATION ADMINISTRATION

The section exempts the Rural Electrification Administration (REA) from certain rules relating to appraisals developed by the Department of Transportation to carry out property acquisitions. If the acquisition activities of the REA result in the dislocation of a person, then REA must follow the rules of adequately compensating a displaced person.

SECTION 139. TEMPORARY MATCHING FUND WAIVER

Subsection (a) permits the states to request a waiver of the non-Federal share for a qualifying project for fiscal years 1992 and 1993.

Subsection (b) requires that the state shares waived must be fully repaid by March 30, 1994, and payments shall be deposited in the Highway Trust Fund and repaid amounts credited to the appropriate apportionment account of the state.

Subsection (c) requires that any amounts not repaid be deducted from the states fiscal year 1995 and 1996 apportionments and be apportioned to other states which have not received a higher Federal share under this section and to those states which have made the repayment required by subsection (b).

Subsection (d) defines a qualifying project for the purposes of carrying out this section.

SECTION 140. HIGH PRIORITY CORRIDORS ON THE NATIONAL HIGHWAY SYSTEM

This section identifies 16 high priority corridors that are regionally and nationally important. These corridors are required to be put on the National Highway System.

For all of these corridors, both long-range planning and specific feasibility and design studies will be carried out by the Secretary and the states cooperatively. For work on these corridors, the Secretary may use certification acceptance under section 117 of title 23 and shall, to the maximum extent feasible, use procedures for acceleration of projects.

Specific high priority segments are identified for specific funding. The overall funding that is available for these projects is \$200 million for FY 1992 and \$450 million per year for each of FY 1993-1996. In addition, since this special funding will generally not be sufficient to complete work on these segments, the bill requires states to give priority to funding these segments with apportioned funds.

A separate authorization of \$10 million per year is provided for feasibility and design studies. In addition, a revolving loan fund of \$200 million is established from a \$50 million set aside for each of FY 1993-1996. This Fund would be available to advance amounts to a state for construction of projects in the corridors, with priority given to the high priority segments. A state would repay amounts advanced from National Highway System apportionments.

SECTION 141. HIGHWAY TIMBER BRIDGE RESEARCH AND DEMONSTRATION PROGRAM

This section provides in subsection (a) that the Secretary may make grants to other Federal agencies, universities, private businesses, nonprofit organizations, and any research or engineering entity to research one or more of the following: (1) Development of new, economical highway timber bridge systems; (2) Development of engineering design criteria for the use of structural wood products in highway bridges to better characterize lumber design properties; (3) Preservative systems for use in highway timber bridges which demonstrate new and current treatment processes and procedures that are environmentally sound with respect to application, use and disposal of treated wood; (4) Alternative transportation system timber structures to demonstrate their use in railing, sign, lighting supports, sound barriers, culverts and retaining walls for highways; and (5) Rehabilitation measures that demonstrate effective, safe, and reliable methods for rehabilitating highway timber structures.

Subsection (b) requires that the Secretary shall ensure that information and technology resulting from the research under subsection (a) is made available to state and local transportation departments and other interested persons.

Subsection (c) provides that the Secretary shall make grants to states for construction of timber bridges on the rural mobility system of highways. To receive a grant under this subsection, a state must submit an application to the Secretary following the form and content required in regulations developed by the Secretary.

The Secretary shall approve grant applications under this subsection that meet the following criteria: (A) Bridge designs with initial and long-term structural and environmental integrity; (B) Bridge designs which use timber native to the state or region; (C) Innovative bridge designs with the potential to increase knowledge, cost effectiveness and future use of such designs; and (D) Construction techniques and practices for the preservation of treated timber that comply with environmental regulations. The Federal share for research and construction projects under this section shall be 80%. From the funds reserved for the Discretionary Bridge Program under section 144(g)(1) a total of \$20 million will be available each fiscal year for activities under this section. One million will be available to carry out the research and technology transfer activities under subsections (a) and (b). Nineteen million will be available for construction grants under subsection (c). Funds shall remain available until expended. For purposes of this section, the term "state" has the same meaning in this section as it does in section 101 of Title 23.

SECTION 142. CONSTRUCTION OF FERRY BOATS

This section provides that the Secretary shall carry out a ferry boat construction program in accordance with section 129(c) of title 23. The Federal share for construction of ferry boats under this section shall be 80%. \$75 million from the Highway Trust Fund shall be available to the Secretary each fiscal year to obligate at his or

her discretion for grants under this section. The funds shall remain available until expended. All the provisions of chapter 1 of title 23 that apply to the National Highway System, except those related to the apportionment formula and Federal share, shall apply to funds made available to carry out this section, unless the Secretary determines they are inconsistent with this section.

SECTION 143. USE OF ASPHALT RUBBER PAVEMENT

This section provides that during the five year period beginning with the date of enactment, the Secretary may not disapprove a highway project under chapter 1 of title 23 solely because it includes the use of asphalt containing recycled rubber whether a patented or unpatented process. The Secretary shall gather information and recommendations regarding the use of asphalt containing recycled rubber and plastic in highway projects from states that have extensively researched and experimented with the use of these materials in projects and make the information and recommendations available to other states indicating an interest in the use of the materials.

The Secretary shall conduct a study on the use of asphalt containing recycled rubber and plastic in highway projects, the benefits of using recycled rubber and plastic in recycled asphalt, and the use of other recycled materials in asphalt. The Secretary shall transmit to Congress a report on the results of the study within two years after the date of enactment with recommendations regarding methods of using asphalt containing recycled rubber and plastic in highway projects.

SECTION 144. HIGHWAY USE TAX EVASION PROJECTS

This section provides in subsection (a) that the Secretary shall use funds made available by subsection (f) to carry out highway use tax evasion projects. At the discretion of the Secretary, the funds may be allocated to the Internal Revenue Service and the states.

Subsection (b) provides that funds may be used only to expand efforts to enhance motor fuel tax enforcement, to fund additional Internal Revenue Service staff solely to carry out the functions described in this subsection, to supplement motor fuel tax examinations and criminal investigations, to develop automated data processing tools to monitor motor fuel production and sales, to evaluate and implement registration and reporting requirements for motor fuel taxpayers, to reimburse state expenses that supplement existing fuel tax compliance efforts, and to analyze and implement programs to reduce tax evasion of other highway use taxes.

Subsection (c) provides that the Secretary shall establish an advisory committee to prepare a plan to carry out and coordinate highway use tax evasion projects, monitor the results of the projects, provide progress reports, and make recommendations to the Secretary for the distribution of funds under this section, including recommendations for distributing funds among states fairly and equitably. The advisory committee members shall be appointed no later than 180 days after enactment. Members shall include representatives of the Federal Highway Administration, the Internal Revenue

Service and the states. The advisory committee shall terminate on September 30, 1996.

Subsection (d) provides that the Secretary may not make a grant to a state unless it certifies that the aggregate expenditure of state funds, exclusive of Federal funds, for fuel tax enforcement activities will not fall below the average level expended for the last two years.

Subsection (e) provides that on October 1 and April 1 of each year, the Secretary shall transmit to Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation a report on motor fuel tax enforcement activities and the expenditure of funds made available under this section including the hiring of additional staff by any Federal agency.

Subsection (f) provides \$10 million per year for fiscal years 1992 through 1996 shall be made available to the Secretary for projects under this section. Funds shall be obligated in the same manner and to the same extent as funds apportioned under chapter 1 of Title 23, except that the Federal share for projects shall be 100% and remain available until expended.

Subsection (g) provides that for the purposes of this section "state" means the 50 States and the District of Columbia.

SECTION 145. SUBSTITUTE PROJECT

This section permits the Secretary, upon request of the Governor of Wisconsin to withdraw approval of the I-94 East-West Transitway project in Milwaukee and Waukesha Counties from the Interstate Cost Estimate and to substitute highway and transit projects. This is a project that was taken out of the ICE in 1981 and put back into the ICE in 1991. As a result of this time delay, Wisconsin is not prepared at this time to proceed with the Interstate project.

The Secretary may only request substitute projects if the Governor makes a request by October 1, 1993. Upon approval of substitute projects, the costs are removed from the ICE and an equal amount is available to the Secretary to incur obligations under section 103(e)(4) for the substitute projects. If the substitute projects are not under construction by October 1, 1995, no funds shall be appropriated for construction of the projects.

For purposes of apportioning Interstate construction funds, Wisconsin is considered to have no costs for fiscal years 1993 and 1994. For fiscal year 1995 and thereafter, Wisconsin's actual remaining costs shall be used.

Wisconsin may transfer Interstate construction apportionments to its National Highway System apportionments in amounts equal to or less than the costs for additional work on sections of the Interstate System that have been built with Interstate construction funds and that are open to traffic.

SECTION 147. SCENIC BYWAYS PROGRAM

This section provides that within 180 days of enactment, the Secretary shall establish a scenic byways advisory committee in the

Department of Transportation to assist the Secretary in the establishment of a national scenic byways program.

The advisory committee shall be composed of 17 members as listed in subdivision (2). Advisory committee members shall serve without compensation other than reasonable expenses related to committee functions. The committee shall develop and make recommendations to the Secretary regarding the minimum criteria state and Federal agencies shall use in designating highways as scenic byways and all-American roads. The recommendations shall include recommendations on consideration of the scenic beauty and historic significance of highways proposed for designation and the areas surrounding the highways; operation and management standards for scenic byways and all-American roads including strategies for maintaining and improving their scenic and historic qualities, for protecting and enhancing the landscape and view corridors and for minimizing traffic congestion; standards for scenic byway-related signs, and other matters.

No later than 18 months after enactment, the advisory committee shall submit to the Secretary and Congress a report with the recommendations described in paragraph (3). The Secretary shall provide technical assistance and grants to the states for planning, design and development of state scenic byway programs. The Federal share shall be 80% for the costs of planning, design and development of state scenic byway programs. Twenty million dollars for each fiscal year from 1992 to 1996 is made available from the Highway Trust Fund for this program. Funds shall remain available until expended. The Federal share of the cost of the activities for which a grant is made under this section shall be considered a contractual obligation of the United States.

SECTION 148. UNIFORM TRAFFIC CONTROL DEVICES

This section authorizes the Secretary to carry out a project in Arkansas to provide training to county and town traffic officials in the need for and application of uniform traffic control devices and to demonstrate the safety benefits of providing for adequate and safe warning and regulatory signs.

A total of 1.2 million is authorized for fiscal year 1992 to carry out this project.

SECTION 149. RURAL AND URBAN ACCESS PROJECTS

Subsection (a) authorizes specific projects for the Secretary to carry out to ensure better rural access and promote economic development in rural areas. \$100 million is authorized for FY 1992 and \$150 million is authorized for each of FY's 1993 through 1996 to carry out these projects.

Subsection (b) authorizes specific projects to enhance urban access and urban mobility. \$100 million is authorized for FY 1992 and \$150 million is authorized for each of FY's 1993 through 1996 to carry out these projects.

SECTION 150. MOLLY ANN'S BROOK, NEW JERSEY

This section requires the Secretary to carry out a project to make modifications to bridges over Molly Ann's Brook to conform with

the requirements of the flood control project being conducted by the Secretary of the Army. Any Federal expenditures under this section and section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 shall be treated as part of the non-Federal share of the cost of the flood control projects.

SECTION 151. PASSAIC COUNTY, NEW JERSEY

Section 151 creates a model program of delegation to the State of New Jersey of the administration of the completion of Route 21 in Passaic County. All aspects of law, regulation, policy and practice are delegated to the State and the State is authorized to administer all aspects of the project design and construction process pursuant to State laws, rules and regulations.

It is the intention of the Committee to continue to determine methods of reducing the time required to complete an urban highway project, as was provided for in the Surface Transportation and Uniform Relocation Assistance Act of 1987, Sec. 149(a)(1), when administration of all Federal Highway Administration requirements are delegated to a state. It is also the intention of the Committee that time reduction be demonstrated through acquisition of right-of-way prior to the determination of the preferred alternative.

The Committee expects expeditious construction of this long-delayed and badly needed project and, therefore, all Federal regulatory requirements, including but not limited to procurement of professional services, staging of design and Right-of-Way acquisition, and all Federal procedures, practices and interpretations, are delegated to the State and may be waived by the State if considered in the public interest.

SECTION 152. REGULATORY INTERPRETATIONS

Subsection (a) requires that any regulations, rulings, or decisions issued by the Department of Transportation relating to the Buy America requirements be applied as if to include coating.

Subsection (b) requires that Sec. 393.95 of Title 49 of the Code of Federal Regulations shall be applied so that fusees and flares are given equal priority with regard to use as reflecting signs.

SECTION 153. HANDICAPPED PARKING

Subsection (a) requires the Secretary to conduct a study on the programs being made by the states in adopting and implementing a uniform system for handicapped parking regulations issued by the Department of Transportation.

Subsection (b) provides for the Secretary to report to the Congress within 2 years from the date of enactment of this Act the results of the study.

SECTION 154. ROADSIDE BARRIER TECHNOLOGY

This section requires each state to use innovative safety barriers for at least 5 percent of the mileage of new or replacement permanent median included in awarded contracts along Federal-aid highways. Innovative safety barriers are those median barriers other than a guard rail that are classified by the Federal Highway Administration as experimental or that are classified as operational

within the last 5 years. Each state is required to certify annually to the Secretary its compliance with this requirement.

SECTION 155. DESIGN STANDARDS

Subsection (a) requires the Secretary to conduct a survey to identify current state design standards to determine the necessity of upgrading the standards to enhance safety.

Subsection (b) requires the Secretary to transmit a report to the congress on the results of the survey, together with any recommendation, within 2 years after the date of enactment of this Act.

SECTION 156. EFFECTIVE DATE; APPLICABILITY; UNOBLIGATED BALANCES

Title I takes effect on October 1, 1991, and applies to amounts apportioned on or after that date.

Under this general rule, unobligated balances of previously apportioned funds remain available under the law applying before October 1, 1991. However, the states are given the option to transfer these balances as follows: Primary system funds may be transferred to the National Highway System, rural mobility system, or urban mobility system apportionments; secondary system funds may be transferred to the rural mobility apportionment; Interstate 4R funds may be transferred to the National Highway System apportionments; and urban system funds may be transferred to the urban mobility apportionment. Amounts transferred are subject to the law governing the apportionment to which they are transferred. A state may only make such a transfer on October 1 of a fiscal year.

SECTION 157. INNOVATIVE PROJECTS

This section authorizes the Secretary to carry out specific projects demonstrating innovative techniques and advanced technologies in highway construction. \$100 million is authorized for FY 1992 and \$225 million is authorized for each of FYs 1993 through 1996 to carry out these projects.

SECTION 158. ORANGE COUNTY TOLL PILOT PROJECTS

This section exempts certain toll pilot projects in Orange County, California, from section 4(f) requirements applicable to public park, recreation area, wildlife and waterfowl refuges.

SECTION 159. FEASIBILITY OF INTERNATIONAL BORDER HIGHWAY INFRASTRUCTURE DISCRETIONARY PROGRAM

This section requires the Secretary to conduct a study on the advisability and feasibility of establishing an international border highway infrastructure discretionary program to enable states and federal agencies to construct, replace, and rehabilitate highway infrastructure facilities at international borders.

SECTION 160. PRIOR DEMONSTRATION PROJECTS

This section amends the provisions of two demonstration projects located in Tampa, Florida, and Santa Fe, New Mexico, that were authorized in the Surface Transportation and Uniform Relocation

Assistance Act of 1987 to make the unobligated balances of funds available for other projects.

SECTION 161. WILLIAM H. HARSHA BRIDGE

This section renames the United States Route 68 bridge across the Ohio River between Aberdeen, Ohio, and Marysville, Kentucky, as the William H. Harsha Bridge.

SECTION 162. COMMEMORATION OF DWIGHT D. EISENHOWER NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

This section requires the Secretary to conduct a study to determine an appropriate symbol or emblem to be placed on signs referring to the Interstate System in commemoration of President Dwight D. Eisenhower. The report shall be submitted to Congress not later than one year after the effective date of this Act.

SECTION 163. USE OF HIGH OCCUPANCY VEHICLE LANES BY MOTORBIKES

This section requires the Secretary to not recognize any certification made by a state on the safety of motorbikes on high occupancy vehicle lanes that was made prior to the enactment of the Intermodal Surface Transportation Infrastructure Act of 1991 until the Secretary publishes notice such certification in the Federal Register and provides an opportunity for public comment on such certification.

SECTION 164. USE OF TOURIST ORIENTED DIRECTIONAL SIGNS

This section directs the Secretary to encourage states to provide for equitable participation in the use of tourist oriented directional signs, or logo signs, along the Interstate and Federal-aid primary systems as covered under the Highway Beautification Act.

The Secretary is required to report to the Congress on the participation in the use of tourist oriented directional signs within one year of enactment.

There have been reports that new business enterprises opening at exits on Interstate highways are not afforded equal treatment as all competitors. The intent of this provision is to encourage states to administer their tourist oriented directional logo signs program fairly among all interested eligible enterprises.

Title II—Highway Safety

SECTION 201. HIGHWAY SAFETY PROGRAMS

(a) Section 402 of Title 23, United States Code is amended by the following subsections.

Subsection (a)(1) requires that each state have a highway safety program designed to reduce traffic accidents and deaths, injuries, and property damage resulting from such traffic accidents. Such highway safety program must be approved by the Secretary in accordance with this section.

Subsection (a)(2) requires that, in order for a state highway program to be approved by the Secretary, it must include programs established in the following subsections:

Subsection (a)(2)(A), a program designed to reduce injuries and deaths resulting from persons driving motor vehicles while under the influence of alcohol or a controlled substance.

Subsection (a)(2)(B), a program designed to reduce injuries and deaths resulting from motor vehicles being driven at speeds in excess of posted speed limits.

Subsection (a)(2)(C), a program designed to encourage the proper use of occupant protection devices by occupants of motor vehicles, including the use of safety belts and child restraint systems. Components of this program will include increasing public awareness of the benefits of motor vehicles which are equipped with air bags.

Subsection (a)(2)(D), a program to provide an emergency care response system to expedite the identification of motor vehicle accident locations, sustaining lives of persons injured in motor vehicle accidents, and coordinating the transportation and communications necessary to deliver medical care to injured persons as quickly as possible without creating additional hazards.

Subsection (a)(2)(E), a program for ensuring a national uniform data collection and reporting system of traffic-related deaths and injuries. The purposes of this program are to allow the Secretary to determine the causes of such deaths and injuries, to develop programs to reduce such deaths and injuries, and to make recommendations to Congress concerning legislation necessary to implement such programs. The program shall include information obtained by the Secretary under section 404 of this Act and provide for annual reports to the Secretary on the efforts being made by the states in reducing deaths and injuries occurring at highway construction sites and the effectiveness and results of these efforts.

In addition, the Secretary is required to establish minimum reporting criteria to obtain certain accident information necessary to improve analysis at the state and Federal levels. Such criteria shall include criteria on deaths and injuries resulting from police pursuits, school bus accidents, and speeding, on traffic-related deaths and injuries at highway construction sites, on the configuration of commercial motor vehicles involved in motor vehicle accidents, and any other data elements essential for analysis of highway safety issues the Secretary shall develop through the Critical Automated Data Reporting Elements for Highway Safety Analysis (CADRE).

Subsection (a)(2)(F), a program to provide surveillance of traffic for detection and correction of high or potentially high traffic accident locations and for establishing priorities for highway improvements, selective enforcement, and other operational practices to reduce or eliminate traffic hazards.

Subsection (a)(2)(G), a program to maintain existing highways in a safe condition and to incorporate safety standards established by the Secretary in the construction of new highways. Such standards shall include lighting, markings and surface treatment. The program shall also provide for the protection of operators of motor vehicles and construction workers from accidents occurring at highway construction sites. (Make a separate work zone safety program?)

Subsection (a)(2)(H), a program to ensure the application of modern traffic engineering principles and uniform traffic control standards for the purpose of reducing traffic accidents.

Subsection (a)(3) requires the Secretary to approve a state highway safety program that contains the requires programs in this subsection and a minimum of three of the programs listed in the following subsections:

Subsection (a)(3)(A), a program for reducing injuries and deaths resulting from accidents involving bicycles.

Subsection (a)(3)(B), a program designed to reduce injuries and deaths resulting from accidents involving pedestrians.

Subsection (a)(3)(C), a program designed to reduce injuries and deaths resulting from accidents involving school buses.

Subsection (a)(3)(D), a program designed to establish, use and improve the quality of a comprehensive computerized safety record-keeping systems for the purpose of correlating data regarding traffic accidents, drivers, motor vehicles, and roadways, including as statewide trauma data system.

Subsection (a)(3)(E), a program to improve law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures.

Subsection (a)(3)(F), a program designed to reduce injuries and deaths resulting from accidents involving motor vehicles and motorcycles, for encouraging the use of motorcycle helmets by persons riding on motorcycles, and for ensuring that all motorcycles and persons riding on motorcycles are meeting safe operation and injury protection criteria established by the Secretary.

Subsection (a)(3)(G), such other programs as the Secretary may establish by regulation.

Subsection (a)(4)(A) provides that the governor of the state is responsible for administering the highway safety program described in this section through the state's highway safety agency.

Subsection (a)(4)(B) authorizes state political subdivisions to carry out within their jurisdictions highway safety programs approved by the Governor. Such highway safety programs must include minimum standards established by the Secretary as determined in this section.

Subsection (a)(4)(C) requires that at least 40 percent of all Federal funds must be spent by political subdivisions for carrying out local highway safety programs.

Subsection (a)(4)(D) requires that adequate and reasonable access to provide mobility, in a safe and convenient manner, for individuals with disabilities, including individuals in wheel chairs, be provided across curbs constructed or replaced at all pedestrian crosswalks throughout the state on or after July 1, 1976.

Subsection (5) permits the Secretary to waive the requirement of subsection (a)(4)(C) if the Secretary determines that an insufficient number of local highway safety programs exist to justify the expenditure of this percentage of Federal funds during the fiscal year.

Subsection (6)(A) requires the Secretary to issue regulations establishing minimum standards for the highway safety programs described in this section.

Subsection (6)(B) requires that the regulations issued by the Secretary with regard to the mandatory programs described in this section must include, at a minimum, public information, education and law enforcement components.

Subsection (6)(C) permits the Secretary to issue regulations to include the adoption and enforcement of state laws authorizing the use of automatic speed detection devices by law enforcement officers.

Subsection (7) makes the requirements of this section and the regulations issued to carry them out applicable to Federally administered areas when determined appropriate by the Secretary.

Subsection (b)(1) requires that funds authorized to carry out this section be used to aid states in conducting the required and optional highway safety programs established in subsection (a), including development and implementation of manpower training programs and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents and deaths and injuries resulting therefrom.

Subsection (b)(2) authorizes a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

Subsection (3) prohibits the expenditure of funds authorized for purposes of this section or section 403 of this title on highway construction maintenance, or design (other than design of safety features of highways).

Subsection (c)(1) sets forth the formula for apportionment of funds authorized for carrying out this section.

Subsection (c)(2) defines "public road" and requires that public road mileage be determined as of the end of the calendar year preceding the year in which the funds are apportioned. The Governor of the state must certify to and the Secretary must approve such determination.

Subsection (c)(3) requires that a minimum percentage of the annual apportionment be no less than $\frac{1}{2}$ of 1 percent of the total apportionment; except that the apportionments to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be no less than $\frac{1}{4}$ of 1 percent of the total apportionment.

Subsection (c)(4) prohibits the Secretary from apportioning any funds under this subsection to any state which is not implementing a highway safety program approved by the secretary in accordance with this section.

Subsection (c)(5) reduces the apportionment to any state that does not have a highway safety program approved by the Secretary, or that is not implementing an approved program, by amounts equal to not less than 50 percent of the amounts that would otherwise be apportioned to the state under this section, until such time as the Secretary approves such program or determines that the state is implementing an approved program, as appropriate. In determining the amount of the reduction, the Secretary must consider the gravity of the state's failure to have or implement an approved program.

Subsection (c)(6) provides for the apportionment of withheld funds to the state, prior to the end of the fiscal year for which the funds were withheld, once the Secretary approve the state's highway safety program or determines that the state has begun implementing an approved program, as appropriate. If the Secretary determines that the state did not correct its failure within such

period, the Secretary is required to reapportion the withheld funds to the other states in accordance with the formula specified in subsection (c)(1) not later than 30 days after such determination is made.

Subsection (d)(1) provides contract authority for carrying out this section by applying the provisions of Chapter 1 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems.

Subsection (d)(2) provides that the provisions of Chapter 1 shall not apply to funds authorized to be appropriated to carry out this section if the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section.

Subsection (d)(3) permits the aggregate expenditures made by a state and its political subdivisions (exclusive of Federal funds) for carrying out the state highway safety program (other than planning and administration) to be credited to the non-Federal share of the cost of any project under this section (other than one for planning or administration).

Subsection (d)(4) authorizes the Secretary to increase the Federal share for a highway safety program carried out by an Indian tribe if the Secretary determines that such Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program.

Subsection (d)(5) defines the term "state highway department" to mean the Governor of a state.

Subsection (e) includes the Secretary of Interior in the definition of "state" and "Governor of a state" and an Indian tribe in the definition of "political subdivision of a state" and authorizes the Federal share apportioned to the Secretary of Interior at 95 percent for purposes of the application of this section.

Subsection (f) prohibits the use of any report, list, schedule, or survey prepared by or for a state or political subdivision thereof under the Uniform Data collection and Reporting Program or the Traffic Record System Program for purposes of any suit or court action.

Subsection (g) requires that not later than April 1 of each calendar year beginning after December 31, 1993, the Secretary shall report to Congress on the implementation of this section in the fiscal year preceding the date of such report. Such report shall include recommendations of the Secretary on legislation necessary to implement programs developed by the Secretary to reduce traffic-related deaths and injuries under the uniform data collection and reporting program described in subsection (a)(2)(E) of this section.

Subsection 201(b) establishes the effective date for the required and optional programs as October 1, 1992.

SECTION 202. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

Subsection 202(a), General Authority, Drugs and Driver Behavior, amends section 403 of Title 23, United States Code, by striking subsection (a) and (b) and inserting the following new subsections:

Subsection "(a)(1) authorizes the Secretary to use funds appropriated to carry out this section to engage in research on all phases of highway safety and traffic conditions.

Subsections "(a)(2)(A) through (a)(2)(F) provides additional authority for the Secretary to use the funds appropriated to carry out this section, either independently or in cooperation with other Federal departments or agencies, for training or education of highway safety personnel; research fellowships in highway safety; development of improved accident investigation procedures; emergency service plans; demonstration projects; and related research and development activities which the Secretary deems will promote the purposes of this section.

Subsection "(a)(3)" defines the term "safety".

Subsection "(b)" authorizes the Secretary, in consultation with other government and private agencies as may be necessary, to carry out safety research on the relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles; driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities or disabilities to the driving task, and the relationship of frequency of driver crash involvement to highway safety.

Subsection (b) amends section 403 of Title 23, United States Code, by striking subsection (f) and inserting the following new subsection:

Subsection "(f) Collaborative Research and Development."

Subsection "(f)(1)" authorizes the Secretary to undertake, on a cost-shared basis, collaborative research and development with non-Federal entities, including state and local governments, colleges, and universities and corporations, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any state or the United States. This collaborative research may include crash data collection and analysis, driver and pedestrian behavior; and demonstrations of technology.

Subsection "(f)(2)" permits the Secretary to enter into cooperative research and development agreements, as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a). The Secretary may not provide more than 50 percent of the cost of any research or development project selected by the Secretary under this subsection.

Subsection "(f)(3)" requires the Secretary to establish a procedure to consider the views of experts and the public concerning the project areas.

Subsection "(f)(4)" requires that research, development, or utilization of any technology pursuant to an agreement under the provisions of this subsection, including the terms under which technology may be distributed, must be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980.

SECTION 203. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES

Subsection 203(a) amends section 410 of title 23, United States Code, with the following subsections:

Subsection "(a)" provides that the Secretary shall make grants to those states which adopt and implement effective programs to reduce traffic safety problems resulting from persons driving while under the influence of alcohol or a controlled substance. Such grants may only be used by recipient states to implement and enforce such programs.

Subsection "(b)" requires that in order to receive a grant under this section, a state must enter into such agreements with the Secretary as the Secretary may require to ensure that such state will maintain its aggregate expenditures from all other sources of alcohol traffic safety programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment.

Subsection "(c)" provides criteria for basic grant eligibility as follows:

In Subsection "(c)(1)", a state must provide for prompt license suspension of an individual who a law enforcement officer has probable cause under state law to believe has committed an alcohol-related traffic offense as a result of one or more chemical tests or who refuses to submit to such test as proposed by the officer. The period of such suspension shall be for a period not less than 90 days in the case of a first offender and not less than 1 year in the case of any repeat offender.

In Subsection "(c)(2)" requires that the suspension referred to in subsection (c)(1) must take effect not later than 30 days after the date on which the individual was administered the chemical test or tests or refused to submit to such a test;

Subsection "(c)(3)" requires that a mandatory sentence, which shall not be subject to suspension or probation, of (A) imprisonment for not less than 48 consecutive hours, or (B) not less than 200 days of community service, be imposed on any person convicted of driving while intoxicated more than once in any 5-year period.

Subsection "(c)(4)" requires that (A) for fiscal years 1992 and 1993, any person with a blood alcohol concentration of 0.10 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated and that (B) for fiscal years 1994 and thereafter, any person with a blood alcohol concentration of 0.08 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.

Subsection "(c)(5)" requires a statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether or not the operators of such motor vehicles are driving while under the influence of alcohol.

Subsection "(c)(6)" requires a self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned, or an equivalent amount of non-Federal funds are provided, to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

Subsection "(d)" provides that the amount of a basic grant to be made in a fiscal year under this section to a state eligible to receive such grant shall be 80 percent of the amount of funds apportioned to such state in such fiscal year under this section.

Subsection "(e)" establishes criteria for supplemental grants to states. A state shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the state in the fiscal year under this section for each of the criteria described in the following subsections once a state has become eligible for a basic grant.

Subsection "(e)(1)" provides for a 5 percent supplemental grant to a state that provides that any person under age 21 with a blood alcohol concentration of 0.021 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.

Subsection "(e)(2)" provides for a 5 percent supplemental grant to a state that makes unlawful the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of 2 public highway, except (A) as allowed in the passenger area, by persons (other than the driver), of any motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers; or (B) as otherwise specifically allowed by such state, with the approval of the Secretary, but in no event may the driver of such motor vehicle be allowed to possess or consume an alcoholic beverage in the passenger area.

Subsection "(e)(3)" provides for a 5 percent supplemental grant to a state that provides for the suspension of the registration of, and the return to such state of the license plates for, or for impoundment of not less than 30 days of any motor vehicle owned by an individual who (A) has been convicted on more than 1 occasion of an alcohol-related traffic offense within an 5-year period after the date of the enactment; or (B) has been convicted of driving while his or her driver's license is suspended or revoked by reason of a conviction for such an offense. Under this subsection a state may provide limited exceptions to such suspension of registration, return of license plates, or impoundment on an individual basis, in order to avoid undue hardship to any individual, including any family member of the convicted individual, and any co-owner of the motor vehicle, who is completely dependent on the motor vehicle for the necessities of life. Such exceptions may not result in unrestricted reinstatement of the registration, unrestricted return of the license plates of the motor vehicle, or unrestricted return of the motor vehicle.

Subsection "(e)(4)" provides for a 5 percent supplemental grant to a state that provides for an effective system for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages, which may include the issuance of driver's licenses to individuals under age 21 that are easily distinguishable in appearance from driver's licenses issued to individuals age 21 years of age or older.

Subsection "(f)" authorizes the deduction of not to exceed 5 percent of the funds authorized to be appropriated to carry out this section for the necessary costs of administering the provisions of this section.

Subsection "(g)(1)" sets forth the formula for apportionment of funds authorized for carrying out this section.

Subsection "(g)(2)" defines "public roads" and requires that public road mileage be determined as of the end of the calendar year preceding the year in which the funds are apportioned. The Governor of the state must certify to such determination, which is subject to approval by the Secretary.

Subsection "(g)(3)" requires that a minimum percentage of the annual apportionment be no less than $\frac{1}{2}$ of 1 percent of the total apportionment; except that the apportionments to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be no less than $\frac{1}{4}$ of 1 percent of the total apportionment.

Subsection "(g)(4)" requires that, if a state is not eligible for a basic grant or for a supplemental grant under this section in a fiscal year, the amount of funds apportioned to the state in the fiscal year to make such grant are to be reapportioned to the other states eligible to receive such a grant in the fiscal year in accordance with the formula specified in subsection (g)(1).

Subsection "(h)(1)" provides contract authority for carrying out this section by applying the provisions of Chapter 1 of this title that are applicable to Federal-aid National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems.

Subsection "(h)(2)" provides that the provisions of Chapter 1 shall not apply to funds authorized to be appropriated to carry out this section if the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section.

Subsection "(h)(3)" permits the aggregate expenditures made by a state and its political subdivisions (exclusive of Federal funds) for carrying out the state highway safety program (other than planning and administration) to be credited to the non-Federal share of the cost of any project of any project under this section (other than one for planning or administration).

Subsection "(h)(4)" authorizes the Secretary to increase the Federal share for a highway safety program carried out by an Indian tribe if the Secretary determines that such Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program.

Subsection "(h)(5)" defines the term "state highway department" to mean the Governor of a state and, in the case of an Indian tribe program, the Secretary of the Interior.

Subsection "(i)" defines the terms used in this section.

Subsection (b) is a conforming amendment.

SECTION 204. GRANTS TO STATES WHICH ADOPT NATIONAL SAFETY BELT AND MOTORCYCLE HELMET USE REQUIREMENTS

Subsection (2) amends chapter 4 of title 23, United States Code, to establish a grant program to states which adopt national safety belt and motorcycle helmet use requirements.

Subsection "(a)" gives the Secretary the authority to make grants under this section. In order to receive a grant in a fiscal year under this section, a state must have in effect in such fiscal year, a law which makes unlawful throughout the state the oper-

ation of a motorcycle by an individual who is not wearing a motorcycle helmet; and (2) a law which makes unlawful throughout the state the operation of a passenger vehicle whenever an individual in a front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly fastened about the individual's body.

Subsection "(b)" requires that a grant made to a state under this section shall be used to adopt and implement a traffic safety program to (1) educate the public about motorcycle and passenger vehicle safety and motorcycle helmet, safety belt, and child restraint system use and to involve public health education agencies and other related agencies in these efforts; (2) train law enforcement officers in the enforcement of state laws described in subsection "(a)"; (3) monitor the rate of compliance with state laws described in subsection "(a)"; and (4) enforce state laws described in subsection "(a)".

Subsection "(c)" prohibits a grant to any state that has not maintained aggregate expenditures for all other sources for any traffic safety program described in subsection "(b)" at or above the average level of such expenditures in the state's 2 fiscal years preceding the date of enactment of this section.

Subsection "(d)" limits the period in which a state may receive a grant under this section to 3 years. This subsection also establishes the Federal share payable for a grant under this section to be 75 percent of the cost of implementing a traffic safety program described in subsection "(b)" in the first fiscal year a state receives a grant, 50 percent of such cost in the second fiscal year a state receives a grant, and 25 percent of such cost in the third fiscal year a state receives a grant.

Subsection "(e)" limits the aggregate amount of grants made to a state under this section to 30 percent of the amount apportioned to such state for fiscal year 1990 under section 402.

Subsection "(f)" establishes criteria for grant eligibility.

Subsection "(f)(1)" provides that a state is eligible in a fiscal year for a grant under this section if the state enters into such agreements with the Secretary as the Secretary may require to ensure that the state implements in such fiscal year a traffic safety program described in subsection "(b)".

Subsection "(f)(2)" provides that a state is eligible in a fiscal year for a grant under this section if the state in the fiscal year succeeding the first fiscal year in which a state receives a grant under this section (A) had in effect at all times a state law described in subsection (a)(1) and achieved a rate of compliance with such law of not less than 65 percent; and (B) had in effect at all times a state law described in subsection "(a)(2)" and achieved a rate of compliance with such law of not less than 90 percent.

Subsection "(f)(3)" provides that a state is eligible for a grant under this section in a fiscal year succeeding the second fiscal year in which a state receives a grant under this section if the state in the preceding fiscal year (A) had in effect at all times a state law described in subsection "(a)(1)" and achieved a rate of compliance with such law of not less than 80 percent; and (B) had in effect at all times a state law described in subsection "(a)(2)" and achieved a rate of compliance with such law of not less than 90 percent.

Subsection "(g)" requires that a state shall measure compliance with state laws described in subsection "(a)" using methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

Subsection "(h)(1)" requires that a state which does not have in effect a law described in subsection "(a)(1)" and a law described in subsection "(a)(2)" at any time in fiscal year 1994, the Secretary shall transfer 1½ percent of the funds apportioned to the state for fiscal year 1995 under each of subsections "(b)(1)", "(b)(2)", and "(b)(6)" of section 104 of this title to the apportionment of the state under section 402 of this title.

Subsection "(h)(2)" requires that a state which does not have in effect a law described in subsection "(a)(1)" and a law described in subsection "(a)(2)" at any time in a fiscal year beginning after September 30, 1994, the Secretary shall transfer 3 percent of the funds apportioned under each of subsections "(b)(1)", "(b)(2)", and "(b)(6)" of section 104 of this title to the apportionment of the state under section 402 of this title.

Subsection "(i)" defines the terms used in this section.

Subsection "(j)" authorizes to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$40 million for fiscal year 1992, \$30 million for fiscal year 1993, and \$25 million for fiscal year 1994.

Subsection "(k)" provides contract authority for carrying out this section by applying the provisions of Chapter 1 of this title that are applicable to Federal-aid National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems.

Subsection (b) is a conforming amendment.

SECTION 205. AUTHORIZATION OF APPROPRIATIONS

Section 205 authorizes appropriations out of the Highway Trust Fund (other than the Mass Transit Account) for (1) NHTSA Highway Safety programs, \$150 million for fiscal year 1992, \$160 million for fiscal year 1993, \$175 million for fiscal year 1994, \$190 million for fiscal year 1995, and \$200 million for fiscal year 1996, and (2) Alcohol-Impaired Driving Countermeasures, \$30 million per fiscal year for each of fiscal years 1992, 1993, 1994, 1995 and 1996.

SECTION 206. DRUG RECOGNITION EXPERT TRAINING PROGRAM

Subsection (a) requires the National Highway Traffic Safety Administration to establish a regional program for implementation of drug recognition programs and for training law enforcement officers to recognize and identify individuals who are operating a motor vehicle while under the influence of alcohol or one or more controlled substances or other drugs.

Subsection (b) requires the Secretary to establish a Citizens Advisory Committee to monitor the implementation of this program. The Secretary shall submit a report to Congress annually on the Committee's findings. At least one member of the Committee shall be a member of Mothers Against Drunk Driving and at least one member shall be a member of a narcotics control organization.

Subsection (c) authorizes to be appropriated \$10 million per fiscal year for each of fiscal years 1992, 1993, 1994, 1995 and 1996.

Subsection (d) defines the term "controlled substance."

SECTION 207. NATIONAL DRIVER REGISTER ACT AUTHORIZATIONS

This section authorizes to be appropriated for purposes of the National Driver Register Act not to exceed \$6,131,000 for fiscal year 1992, not to exceed \$6,363,978 for fiscal year 1993, and not to exceed \$6,605,809 for fiscal year 1994.

SECTION 208. EFFECTIVE DATE; APPLICABILITY

This section establishes the effective date of the amendments made by this title and the applicability and non-applicability of funds authorized to be appropriated.

Title III—Federal Transit Act of 1991

SECTION 301. SHORT TITLE

The short title of the Act is the "Federal Transit Act of 1991".

SECTION 302. REFERENCES

Unless specifically identified otherwise, all changes to existing law contained in the Act have been made to the Urban Mass Transportation Act of 1964 (49 U.S.C. App. 1601-1621).

SECTION 303. AGENCY NAME CHANGE

The Urban Mass Transportation Administration (UMTA) is renamed the Federal Transit Administration (FTA).

SECTION 304. SECTION 3 PROGRAM

Section 304(a) eliminates the letter of intent process currently used by the Secretary to make discretionary grants under the UMTA Section 3 program.

Section 304(b) establishes a new grant mechanism for the award of grants for rail and guideways modernization, the construction of new fixed guideway projects and extensions to fixed guideway projects, and establishes a new set-aside for bus and bus facilities grants to increase transit security.

With regard to rail and guideway modernization, the first \$455,000,000 appropriated for this purpose will be available for rail modernization purposes only for expenditure in the following urbanized areas according to the following percentages: Baltimore: 0.6642 percent; Boston: 8.7504 percent; Chicago/Northwestern Indiana: 15.8994 percent; Cleveland: 2.9415 percent; New Orleans: 0.7722 percent; New York: 30.2257 percent; Northeastern New Jersey: 10.9793 percent; Philadelphia/Southern New Jersey: 12.7503 percent; Pittsburgh: 6.1419 percent; San Francisco: 7.3632 percent; Southwestern Connecticut: 3.5118 percent.

The next \$70,000,000 appropriated will be available for expenditure on any fixed guideway modernization project eligible for assistance under this section (1) 50% in the urbanized areas listed in the above paragraph according to those percentages, and (2) 50% in the urbanized areas, other than those areas listed in the above

paragraph, eligible for assistance under section 9(b)(2) of the UMT Act according to the formula in that section.

Any remaining amounts appropriated will be available for expenditure on any fixed guideway modernization project eligible for assistance under this section in all urbanized areas eligible for assistance under section 9(b)(2) according to the formula in that section.

New fixed guideway projects and extensions to fixed guideway projects must be named in this Act or a subsequent Act of Congress in order to proceed to construction.

Section 304(c) makes conforming changes to Section 3 of the UMT Act to reflect the new grant procedures made by Section 304(b) of this Act.

Section 304(d) requires the Secretary to report to the Congress yearly, beginning January 31, 1993, on the status of fixed guideway projects proposed to be funded under Section 3 of the UMT Act.

Section 304(e) allocates 10 percent of Section 3 funds for the minimum apportionment program outlined in the following paragraph.

Section 304(f) establishes a minimum apportionment program which guarantees that each state will receive $\frac{1}{3}$ of 1 percent of Mass Transit Account funds distributed annually. These funds may be used, at the discretion of the Governor of the state, for any highway or transit capital project eligible for Federal funding. The Federal share for minimum apportionment projects will be 80 percent, unless a lower Federal share is specified under title 23, United States Code.

Section 304(g) increases the Federal share for projects under Section 3 of the UMT Act from 75 percent to 80 percent.

Section 304(h) permits under limited circumstances, the cost of rail vehicles to be included as a portion of the non-federal contribution to a project funded with federal funds even though such vehicles were purchased prior to implementation of the federally funded project. This provision applies only to vehicles purchased with non-federal funds which were purchased in order to be used for the extension. Federal participation in project costs under a grant agreement for the extension(s) would be adjusted to reimburse the non-federal party for the federal share of such vehicles. This provision applies to the Maryland Department of Transportation's purchase of eight light rail vehicles with 100% non-federal funding, which were purchased for use on the Central Corridor Light Rail Project in Baltimore, Maryland.

SECTION 305. PLANNING

Section 305 creates an intermodal transportation planning process by combining the fundamental requirements of highway and transit planning under sections 134 and 135 of title 23, United States Code.

SECTION 306. SECTION 9 PROGRAM

Section 306(a) increases the share of formula grant funds allocated to urbanized areas of less than 200,000 population from 8.64 percent to 10 percent.

Section 306(b) reduces the share of formula grant funds allocated to urbanized areas of 200,000 or more population from 88.43 percent to 85 percent.

Section 306(c) specifically extends the safety authority of the FTA to the Section 9 formula grant program.

Section 306(d) redefines "materials and supplies" as associated capital maintenance items.

Section 306(e) provides that the operating assistance limitation imposed on urbanized areas under the section 9 formula grant program will be adjusted for inflation according to the Consumer Price Index of the most recent calendar year on October 1, 1991 and each year thereafter.

Section 306(f) allows the Governor of a state to transfer 25 percent of the funds allocated to that state for expenditure in urbanized areas of less than 200,000 population under the section 9 program to any other transportation purpose eligible for Federal funding under title 23, United States Code, and an additional 10 percent if transit services are being adequately maintained in those areas.

SECTION 307. REPEAL

Section 307 repeals an obsolete provision relating to FY 1983, a transition year for the distribution of Mass Transit Account funds.

SECTION 308. ENGINEERING AND DESIGN SERVICES

Section 308 allows the use of indirect cost rates established in accordance with Federal acquisitions regulations in the performance of, or auditing of, FTA grants.

SECTION 309. DEFINITION

Section 309 makes the terms transit, public transportation and mass transportation synonymous.

SECTION 310. TRANSFER OF CAPITAL ASSETS

Section 310 allows the transfer of capital assets acquired with Federal assistance, which are no longer needed for the purpose for which they were acquired, to any public purpose, provided that the Secretary determines that certain conditions regarding the value and use of the assets have been met.

SECTION 311. TURNKEY PROCUREMENTS

Section 311 permits the use of "turnkey" procurement in the award of grants for the construction of new transit systems. A "turnkey system project" is defined as one in which a grant recipient contracts with a consortium of firms, an individual firm(s), or a vendor to build a transit system that meets specific performance criteria and which is operated by the vendor for a period of time.

SECTION 312. MEAL DELIVERY

Section 312 permits transit service providers receiving assistance under section 16 or 18 to coordinate and assist in providing meal delivery service for homebound persons on a regular basis if provid-

ing the meal service does not conflict with the provision of transit service or result in a reduction of service to transit passengers.

SECTION 313. SECTION 18 PROGRAM

Section 313 allows the Governor of a state to transfer 25 percent of the funds allocated to that state for expenditure in rural areas under the section 18 program to any other transportation purpose eligible for Federal funding under title 23, United States Code, and an additional 10 percent if transit services are being adequately maintained in those areas. "Materials and supplies" are redefined as capital expenses.

SECTION 314. INTERCITY BUS TRANSPORTATION

Section 314 provides that, before apportioning section 18 funds, the Secretary shall set aside \$20,000,000 for intercity bus transportation.

SECTION 315. AUTHORIZATION OF APPROPRIATIONS

Section 315 authorizes the following amounts for FTA programs:

FEDERAL TRANSIT ADMINISTRATION

(In millions of dollars)

FTA Program	1992	1993	1994	1995	1996
Section 9	¹ 1,800	1,900	2,000	2,100	2,200
Section 18	² 590	590	590	590	590
(Blend)	² 1,280	1,180	1,080	980	880
Total Section 9, 18	3,670	3,670	3,670	3,670	3,670
Section 3	² 1,150	1,250	1,350	1,450	1,550
(Blend)	² 1,280	1,180	1,080	980	880
Total Section 3	2,430	2,430	2,430	2,430	2,430
Section 4(i), 16(b)	² 43	43	43	43	43
Section 16(b)	¹ 30	30	30	30	30
Planning ³	² 150	150	150	150	150
UTC	² 7	7	7	7	7
Administration	¹ 70	70	70	70	70
Total	6,400	6,400	6,400	6,400	6,400
UTC	⁴ 7	7	7	7	7
Inter-Sub. Transit	¹ 160	160	0	0	0
Total	6,567	6,567	6,407	6,407	6,407

¹—General Funds.

²—Mass Transit Account, Highway Trust Fund.

³—Combined Planning, Research, Training, and Human Resources program.

⁴—Highway Account, Highway Trust Fund.

Sec. 315 also increases the share of formula grant funds allocated to rural areas from 2.93 percent to 5 percent.

SECTION 316. PLANNING AND RESEARCH

Section 316 establishes a combined planning and research program under a new section 26. Of the \$150,000,000 made available annually, one-third, or \$50,000,000, is available to the Secretary to make grants under sections 6, 8, 10, 11(a), 18(h), or 20.

The remaining two-thirds, or \$100,000,000 annually, is available to the states and metropolitan planning organizations for transit-related planning under sections 134 and 135 of title 23, United States Code.

SECTION 317. TRANSIT NEEDS SURVEY

Section 317 requires the Secretary, beginning in January 1993 and biennially thereafter, to report to the Congress a comprehensive estimate of the future transit needs of the nation.

SECTION 318. REPEAL OF WITHHOLDING PROVISION

Section 318 repeals a provision in the Department of Transportation and Related Agencies Appropriations Act of 1991 relating to the withholding of apportioned highway funds from the State of Pennsylvania.

SECTION 319. NEW JERSEY URBAN CORE PROJECT

Section 319 prescribes terms and conditions which the Secretary must include in a full funding grant agreement for the construction of the New Jersey Urban Core Project.

SECTION 320. SAN FRANCISCO BAY AREA RAIL EXTENSION PROGRAM

Section 320 prescribes terms and conditions which the Secretary must include in a full funding grant agreement for the construction of an extension of BART to the San Francisco International Airport and for the construction of the locally preferred alternative for the Tasman Corridor Light Rail Project.

SECTION 321. SUSPENDED LIGHT RAIL SYSTEM

Section 321 prescribes terms and conditions which the Secretary must include in a full funding grant agreement for the construction of a suspended light rail system in Altoona, Pennsylvania.

SECTION 322. MULTI-YEAR METRO RAIL CONTRACT

Section 322 prescribes terms and conditions which the Secretary must include in a multi-year grant agreement for the construction of planned extensions to the Metro Rail Rapid Transit System in Los Angeles, California.

SECTION 323. MISCELLANEOUS MULTI-YEAR CONTRACTS

Section 323 prescribes the terms and conditions which the Secretary must include in various multi-year grant agreements for specified transit projects.

SECTION 324. PVEA FUNDS

Section 324 allows the New Jersey Transit Corporation to apply Petroleum Violation Escrow Account (PVEA) Funds as a credit toward the non-Federal match of transit projects.

SECTION 325. WORLD UNIVERSITY GAMES

Section 325 increases the operating assistance limitation imposed on the Niagara Frontier Transit Authority for FY 1992 by \$4,000,000.

SECTION 326. OPERATING ASSISTANCE LIMITATION FOR STATEN ISLAND FERRY

Section 326 permits the operating assistance limitation for the Staten Island Ferry to be increased by \$2,700,000.

SECTION 327. FORGIVENESS OF OBLIGATION

Section 327 forgives the balance on a grant agreement made to the Fayetteville Transit Authority.

SECTION 328. SEPTA LOAN AGREEMENTS

Section 328 extends the period by which the Southeastern Pennsylvania Transit Authority (SEPTA) must repay certain loans to UMTA by 10 years.

SECTION 329. EFFECTIVE DATE

Section 329 sets an effective date of October 1, 1991 for the Act.

SECTION 330. ELDERLY AND HANDICAPPED TRANSPORTATION SERVICES

Section 330 provides that before apportioning funds from the Mass Transit Account for fiscal year 1992, \$1,000,000 shall be made available to the Commonwealth of Pennsylvania for making capital expenses to assist in the provision of elderly and handicapped transportation services.

SECTION 331. PREAWARD AND POST DELIVERY AUDITS

Section 331 amends a requirement in current law requiring the Secretary to issue regulations regarding independent preaward and post delivery audits of bus purchases assuring compliance with Federal motor vehicle safety, Buy America and bid specifications requirements. The provision requires the Secretary to issue regulations by January 31, 1992, and limits application of the provision with regard to bus purchases to those bus purchases of 15 or more.

SECTION 332. UNOBLIGATED M ACCOUNT BALANCES

Section 332 restores the budget authority of obligated but unexpended UMTA funds which would otherwise be lost after August 1, 1991.

Title IV—Motor Carrier Act of 1991**SECTION 401. SHORT TITLE**

This title may be cited as the "Motor Carrier Act of 1991".

SECTION 402. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM
AMENDMENTS

Section 402(b)(1) amends section 402 of the Surface Transportation Assistance Act of 1982. The principal changes affect the purposes and goals of the program and the plan that must be submitted by the states participating in the program.

Subsection (a) permits new activities to be initiated in this program. It further provides that state plans must ensure that these new activities will not diminish other aspects of the program. In addition, subsection (a) requires the plan to ensure that fines imposed and collected will be reasonable and appropriate, and that the program will be coordinated with the state highway safety plan under section 402 of Title 23 of the United States Code.

Subsection (b) requires that the states initiating these new efforts must maintain current support for their programs for enforcement of size and weight laws, controlled substance laws and traffic law enforcement laws.

Subsection (c) amends the program to allow states to begin certain new activities and to incorporate these activities into their respective programs. States may incorporate motor vehicle size and weight enforcement, controlled substance interdiction activities, and enforcement of state traffic laws. The size and weight enforcement activities under this program must be directed at weighing vehicles at other than fixed-site weighing stations. The activities can include weighing activities at seaports and at locations such as steep grades or mountainous terrains where weight may cause more acute safety problems. These activities can be carried out only in conjunction with principal activity of this program; namely, roadside safety inspections.

Subsection (d) establishes funding levels for the Motor Carrier Safety Assistance Program established under section 404 of the Surface Transportation Assistance Act of 1982. The levels are \$65 million for fiscal year 1992, \$80 million for fiscal year 1993, and \$100 million per fiscal year for fiscal years 1994, 1995, and 1996.

Subsection (e) provides that grants made under the program will be available to the states for three years, rather than for one year.

Subsection (f) provides that funds made available for this program are now available until expended.

Subsection (g) provides that the Secretary may use one percent rather than one-half of one percent for administrative purposes.

Subsection (h) provides earmarking of funds for training roadside inspectors in the hazardous materials regulations, for making grants to states to adopt uniform accident reporting forms for truck and bus accidents, for research, for essential administrative functions, for public education, and for several specified reports.

Subsection (i) authorizes appropriations for carrying out the motor carrier safety functions of the Federal Highway Administration.

Subsection (j) lists a number of reports which the Secretary is required to make. The reports are to be funded at \$150,000.00 per year for fiscal years 1992 and 1993.

SECTION 403. COMMERCIAL MOTOR VEHICLE INFORMATION SYSTEM

Section 403 amends Part A of title IV of the Surface Transportation Assistance Act of 1982 by adding a new section 407.

New subsection 407(a) empowers the Secretary to review state motor vehicle registration systems for license tags in order to determine if such systems could be utilized in establishing a Commercial Motor Vehicle Information System. The system established by the Secretary should be designed to link state registration systems to the Department of Transportation's Safetynet System which contains essential data on the safety fitness of interstate motor carriers. The system is to be maintained by user fees.

The Commercial Motor Vehicle Information System could be operated by the Secretary, by a state or states, or a third party. Uniform data collection and reporting by all states would be required.

New subsection 407(b) provides that as part of the development of this program, the Secretary is empowered to carry out a pilot project with states in order to determine how to provide the needed linkage of the relevant systems and to determine types of sanctions which might be imposed on registrants to ensure safety compliance.

New subsection 407(c) authorizes the Secretary to issue regulations to implement this section.

New subsection 407(d) provides the funding necessary to carry out this section as provided in section 404(g)(2) of this title. The Secretary is provided \$2 million per fiscal year for fiscal years 1992-1996 for carrying out the pilot project. The money is from the Motor Carrier Safety Assistance Program.

New subsection 407(e) defines a commercial motor vehicle for the purpose of this section.

SECTION 404. TRUCK AND BUS ACCIDENT DATA GRANT PROGRAM

Section 404 amends Part A of title IV of the Surface Transportation Assistance Act of 1982 by adding a new section 408.

New subsection 408(a) authorizes the Secretary to make grants to states to assist them in adopting and implementing uniform reporting of accident data for trucks and buses.

New subsection 408(b) provides that grants may be made for assisting states in designing appropriate forms, in preparing instruction manuals, in training state and local officers, and for such other activities as are determined to be appropriate.

New subsection 408(c) requires the Secretary to coordinate grants made under this section with the highway safety programs under section 402 of title 23 U.S.C.

Under new subsection 408(d), the Secretary is authorized to make grants of up to \$3 million per year for fiscal years 1993 through 1996.

SECTION 405. RESEARCH, DEVELOPMENT, DEMONSTRATIONS, AND TRAINING MANUALS

Section 405 amends Part A of title IV of the Surface Transportation Assistance Act of 1982 by adding a new section 409.

New subsection 409(a) authorizes the Secretary to make grants for research and for other specified purposes that will enhance

commercial motor vehicle safety. In addition, the Secretary may utilize some of the funds authorized for educating the public on the use of highways with commercial motor vehicles.

New subsection 409(b) provides that grants must be announced publicly and awarded on a competitive basis whenever practicable.

New subsection 409(c) provides that some of the funds may be used to pay for the development, publication, and distribution of training manuals and other training devices for roadside inspectors involved in the Motor Carrier Safety Assistance Program.

New subsection 409(d) earmarks money for educating the public on the use of highways with commercial motor vehicles. Note, funding for this section is contained in 402(h). That section requires the Secretary to spend at least \$500,000.00 annually for this program, but he or she may spend up to \$2 million annually for this grant program.

SECTION 406. STATE REGISTRATION

Section 406 amends section 11506 of title 49 U.S.C.

Subsection 406(a) provides that effective January 1, 1994 states are prohibited from requiring motor carriers regulated by the Interstate Commerce Commission to file certificates or permits with the states in which they operate. It further eliminates the requirements for displaying a decal to indicate the possession of such a permit or certificate or the collection of a fee for such registration or decals.

States may continue the practice of requiring motor carriers to file and maintain proof of insurance.

Subsection 406(b) authorizes the Secretary to make grants to states to offset revenues lost as a result of subsection (a). A state is eligible if it had imposed and collected fees in 1991. The funding is established at \$50 million for fiscal year 1994. Reimbursement is for one year only.

SECTION 407. VEHICLE LENGTH LIMITATION

Section 407(a) amends the Surface Transportation Assistance Act of 1982 by adding a new subsection (j) to section 411.

New subsection (j)(1) prohibits a state from allowing operation of any commercial motor vehicle combination with two or more cargo carrying units (not including the truck tractor) which units as measured from the front of the first cargo carrying unit to the rear of the last carrying unit are a total length greater than were authorized by state statute or regulation and were being lawfully operated on or before June 1, 1991. The prohibition applies to the National System of Interstate and Defense Highways and those classes of qualifying Federal-aid primary system highways as designated by the Secretary subject to subsection 411(e).

New subsection (j)(2) allows the operation of commercial motor vehicle combinations with two or more cargo carrying units (not including the truck tractor) to continue to operate on the relevant highway system if (A) the state determined on or before June 1, 1991 that such commercial motor vehicle combination could lawfully operate on such relevant system or highways pursuant to a state statute or regulation in effect on June 1, 1991; (B) the commercial

motor vehicle combination was in lawful operation on a regular or periodic basis (including seasonal operation or operation pursuant to a permit issued by the state) on the relevant system or highways on or before June 1, 1991; and (C) if all operations of such commercial motor vehicle combinations on such relevant system and highways continue to be subject to, at a minimum, all state statutes, regulations, limitations and conditions (including routing-specific and configuration specific designations and all other restrictions) in effect on June 1, 1991; except that, subject to guidelines established by the Secretary, the state may make minor adjustments to route-specific designations and vehicle operation restrictions for safety purposes and for road construction purposes.

New subsection (j)(3) provides that in addition to the vehicles which may continue to operate in the State of Wyoming under (j)(2), such State may allow commercial motor vehicle combinations not in actual use on June 1, 1991 on the relevant system and highways by enactment of a State law on or before November 3, 1992. The State must notify the Secretary of enactment of such State law within 30 days and the Secretary must publish notice of the enactment of such law in the Federal Register.

New subsection (j)(4) provides that states may further restrict or prohibit vehicles covered by this provision, however, any such restriction or prohibition must be consistent with sections 412 and 416 of this Act. Any such changes must be submitted to the Secretary. Such change must be published in the Federal Register by the Secretary.

New subsection (j)(5) requires that within 90 days after the effective date of this subsection (October 1, 1991) states must complete and file in writing with the Secretary a complete list of all state statutes, regulations, limitations and conditions governing the operation of these types of vehicles.

If the state fails to file within the specified time, the Secretary is given the authority to complete and file the list for the state.

The state is further required to certify in writing that the state had determined pursuant to a state statute or regulation in effect on June 1, 1991 that such commercial motor vehicle combinations could lawfully be operated on such relevant system and highways, and such combinations were in operation on a regular or periodic basis on such system and highways on or before June 1, 1991.

The Secretary is required to publish the list in the Federal Register. After publication the Secretary is required to review the certifications and may commence a proceeding, on the Secretary's own initiative or pursuant to a challenge by any person, to determine whether or not the state's certification is inaccurate. The state has the burden of proof.

If the Secretary determines the certification is inaccurate, the Secretary is required to amend the list published in the Federal Register.

This subsection also provides that no state statute or regulation shall be included on the list published by the Secretary merely on the grounds that it is authorized, or could have authorized, by permit or otherwise, the operation of commercial motor vehicle combinations not in actual operation on a regular or periodic basis on or before June 1, 1991.

This subsection further provides the lists published in the Federal Register shall become final on the 30th day after publication, with the exception of adjustments made pursuant to paragraphs 2(C), (3), and (4) and subparagraph (D) of paragraph 5.

New subsection (j)(6) requires the Secretary to issue regulations establishing guidelines for states to follow in making minor adjustments for safety or road construction purposes.

New subsection (j)(7) provides that nothing in this subsection should be construed to allow operation on the relevant system or highways of any commercial motor vehicle prohibited under section 127(d) of title 23, U.S.C., or to affect in any way the operation of commercial motor vehicles having only cargo carrying unit.

New subsection (j)(8) defines cargo carrying unit.

Subsection 407(b) amends section 411(a) to include buses having lengths of 45 feet. States must allow buses of up to 45 feet to utilize the Interstate System and those classes of Federal-aid Primary System highways as designed by the Secretary pursuant to section 411 (e). It also includes these vehicles in the access provisions of subsection 412(a).

SECTION 408. LONGER COMBINATION VEHICLE REGULATIONS, STUDIES AND TESTING

New section 408(a) provides that the Secretary must begin and complete a rulemaking to establish minimum training requirements for operators of longer combination vehicles. A final rule is required two years after October 1, 1991.

New subsection 408(b) provides for a safety study on longer combination vehicles. The report on the study is due two years after October 1, 1991.

New subsection 408(c) requires the Secretary to study the effects on drivers, including driver fatigue, of driving longer combination vehicles. The report is due two years after October 1, 1991.

New subsection 408(d) directs the Secretary to conduct tests on the operation of longer combination vehicles in order to determine whether any modifications to the Federal safety regulations are needed for longer combination vehicles. The Federal safety regulations to be addressed are those contained in Subchapter B of Chapter III of Title 49 of the Code of Federal Regulations. The report is due 3 years after October 1, 1991.

New subsection 408(e) provides \$1,000,000 a year out of the Highway Trust Fund for FY 1992-1996 for the Secretary to carry this section.

New subsection 408(f) defines longer combination vehicles for purposes of this section.

SECTION 409. PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN

New section 409(a) establishes a working group to establish procedures for resolving disputes among states participating in the Plan and for providing technical assistance. It will be comprised of state and local officials representatives from the National Governor's Association, the American Association of Motor Vehicle Administrator's and the National Conference of State Legislatures.

New subsection 409(b) provides that the group must consult with the motor carrier industry.

New subsection 409(c) requires the working group must complete its original report within 24 months of the date of enactment. The report must be submitted to designated entities, and it must contain a detail statement of findings and conclusions along with joint recommendations. The group may thereafter continue to meet and to modify its original report and transmit a report with the modifications in the same manner and to the same entities as provided for in the original report.

New subsection 409(d) provides that the group is exempt from the Advisory Committee Act.

New subsection 409(e) provides that the Secretary may make grants of up to \$1 million per year to help facilitate participation in the International Registration Plan. The grants may cover technical assistance, personnel training, travel costs, and technology and equipment associated with participating in the Plan. Funding is by contract authority.

New subsection 409(f) provides that after September 30, 1996, no state, except those participating in the Plan, shall establish, maintain, or enforce any commercial motor vehicle registration law, agreement, or regulation which limits the operation of any commercial motor vehicle within its borders which is not registered under the laws of that state if the commercial motor vehicle is registered under the laws of a state that is a participant in the International Registration Plan.

New subsection 409(g) provides the enforcement authority for this section.

New subsection 409(h) provides that this subsection does not limit the amount a state may charge for registration of commercial motor vehicle.

New subsection 409(i) provides funding for the working group and for the grant program.

New subsection 409(j) contains definitions.

SECTION 410. COMMON CARRIERS PROVIDING TRANSPORTATION FOR CHARITABLE PURPOSES

New section 410 amends Section 10723(b)(2) of title 49, U.S.C. to allow for animals trained to assist blind or disabled individuals to accompany them on common carriers or to allow dogs trained to assist a hearing impaired individual to accompany the individual at a rate equal to that of one individual.

SECTION 411. EFFECTIVE DATE; APPLICABILITY

New Section 411 establishes October 1, 1991 as the effective date of this title and provides that this title and amendments made by it applies only to funds authorized or made available after September 30, 1991.

Title VI—Research

Part A: Programs, Studies, and Activities

SECTION 601. RESEARCH AND TECHNOLOGY PROGRAM

This section amends the general research authority of the Secretary under section 307(a) to clarify authority to conduct research on motor carrier transportation, highway planning, and highway operations. The Secretary is authorized to engage in cost-shared collaborative research with non-Federal entities, including state and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations. The average Federal share may not exceed 50 percent unless it can be demonstrated that there is substantial public interest or benefit. Funds to carry out collaborative research under this section shall be derived from section 104(a) administrative funds. Not less than 15 percent of the funds are to be used for long-term projects.

Section (b) directs the Secretary to develop an integrated national plan for surface transportation research and development, including a 10-year projection of long-term research and development. The initial plan is to be submitted by January 15, 1992, and thereafter updated annually. The Plan's objective is the development of short-term and long-term surface transportation systems.

Section (c) directs the Secretary to conduct systems research for a lightweight, rubber-tread multiple-unit system needed for a short haul passenger transportation system.

Section (d) is an expansion of transportation infrastructure research and development, including bridge materials, non-destructive testing, robotic road repair machinery, highway materials, and construction equipment research.

Section (e) of this section requires the Secretary to implement Strategic Highway Research Program results and continue long term pavement performance testing.

Section (f) of this section requires one and one-half percent of state apportionments under sections 104 and 144 be reserved to state research and planning purposes only, and requires that states use 25 percent of such funds for research, development, and technology transfer purposes. The scope of research conducted under this section is expanded to include public transportation and intermodal systems planning, design, construction, and maintenance.

SECTION 602. NATIONAL HIGHWAY INSTITUTE

This section amends Section 321 of Title 23 to continue the National Highway Institute (NHI) and remove the limitation on training to public sector employees working on Federal-aid highways. U.S. citizens and foreign nationals engaged in highway work of interest to the United States will be eligible for participation in NHI training programs. NHI is given specific authority to cooperate with national or international organizations to develop, conduct, and administer training to any national or international individual engaged or to be engaged in highway work of interest to the United States. The NHI is authorized to the work independently or

cooperatively with any national or international entity, and to collect fees for service and use such fees to improve exchange of highway technology with national and international entities.

NHI funding is provided through FHWA administrative funds set aside under Section 104(a). Monies collected by NHI for services provided may be joined with funds obtained from other cooperating organizations or individuals participating in NHI programs and be added to funds used by NHI in its programs or for expenditure for subsistence of employees of cooperating organizations attending training courses.

SECTION 603. EDUCATION AND TRAINING PROGRAM

This section continues and expands the Rural Transportation Assistance Program (RTAP) for transportation assistance to highway and transportation agencies in rural areas and urbanized areas of 50,000 to 1,000,000 in population. The Secretary is authorized to carry out the program through grants and contracts for education and training, technical assistance, and related support services that will (1) develop and expand rural local transportation agency expertise; (2) identify, package, and deliver useable highway technology to local urban jurisdictions; and (3) establish local technical assistance program centers.

SECTION 604. INTERNATIONAL TRANSPORTATION OUTREACH PROGRAM

This section adds a new section to Chapter 3 of title 23 directing the Secretary of Transportation to conduct an international transportation outreach program for highway, transit and intermodal activities. The purpose of the program is threefold: (1) to seek, evaluate, and disseminate information about innovations abroad for application in the U.S.; (2) to encourage use of American goods and services abroad; and (3) to assist developing countries to improve their surface transportation technology and institutions. Cooperative efforts with public, private, domestic, and foreign entities may be used to accomplish these purposes. Funds provided by cooperating organizations or persons may be held in a special account and used in furtherance of the outreach program.

SECTION 605. APPLIED RESEARCH AND TECHNOLOGY PROGRAM; SEISMIC RESEARCH PROGRAM

This section amends section 307 of Title 23 to require the Secretary to establish and implement an applied research and technology program. The purpose of the program is to accelerate testing, evaluation, and implementation of technologies that may improve the durability, efficiency, environmental impact, productivity, and safety of highway, transit, and intermodal transportation systems. Eighteen months after date of enactment, the Secretary must issue guidelines on selection of technologies, test locations, and collection and evaluation of test data. The Secretary is directed to carry out projects to assess the state of technology for heating bridge decks on a minimum of ten bridges being replaced or rehabilitated, to carry out a project demonstrating the environmental and safety benefits of elastomer modified asphalt, and to conduct a program to demonstrate the safety benefits and durability of all weather pave-

ment markings. Highway project carried out under this program must be conducted on the Federal-aid system.

The Secretary is required to transmit to Congress an annual report on the progress and findings of the applied technology program.

Funding for the applied technology program established under this section is derived from administrative and research funds set aside under section 104(a) of title 23 and section 21(h) of the Urban Mass Transportation Act of 1964 as amended at \$50,000,000 per fiscal year for each of fiscal years 1992, 1993, 1994, 1995, and 1996. Not less than \$5,000,000 per fiscal year must be expended for projects related to heated bridge technologies, and not less than \$2,000,000 must be expended for projects related to all weather pavement markings.

A seismic research program must be carried out under this section in cooperation with a national earthquake engineering center to study the vulnerability of Federal-aid system highways, tunnels, and bridges to earthquakes and to develop and implement cost-effective methods of retrofitting highway facilities. Program progress and research findings are to be reported to Congress two years after date of enactment. Up to \$4,000,000 per fiscal year may be expended for carrying out seismic research under this section.

SECTION 606. UNIVERSITY TRANSPORTATION CENTERS

Section 11(b)(2) of the Urban Mass Transportation Act of 1964 is amended to include transportation safety as an areas of responsibility for University Transportation Centers. Section 11 is also amended to designate three new centers: a national center for transportation management, research, and development; a center for transportation and industrial productivity; and a national rural transportation study center. Provisions of the 1964 Act requiring a National Advisory Council are deleted and replaced by a requirement that the Centers' studies be coordinated and disseminated by the Secretary. Up to one percent of funds provided for the University Transportation Center program are made available to the Secretary for its administration.

SECTION 607. UNIVERSITY RESEARCH INSTITUTES

Section 11 of the Urban Mass Transportation Act of 1964 is amended by this section to require the Secretary to make grants to establish and operate an institute for national surface transportation policy studies at San Jose State University and an infrastructure technology institute at Northwestern University. Funding of \$250,000 per fiscal year is authorized for the institute for national surface transportation policy studies and \$3,000,000 per year fiscal year is authorized for the infrastructure technology institute.

SECTION 608. NATIONAL COUNCIL ON SURFACE TRANSPORTATION RESEARCH

This section establishes a National Council on Surface Transportation Research to investigate and study national and international surface transportation research and technology developments. The Council is directed to identify gaps and duplication in current re-

search efforts, determine where research might lead to increased efficiency, productivity, safety, and durability in surface transportation systems, and develop a national plan for surface transportation research and development. Specific matters to be addressed are outlined. Members of the Council are to be appointed by the President and Congress.

A Research Advisory Committee will be a permanent advisory body with the primary goal of looking at long-term research needs. The Committee will report annually to Congress.

SECTION 609. DOT DATA NEEDS

Through an agreement with the DOT, the National Academy of Sciences is directed under this section to conduct an 18-month study of the adequacy of DOT data collection procedures and capabilities, including an evaluation of data collection resources, needs, and requirements, systems, capabilities, and procedures. Study results and recommendations for improving DOT data collection and analysis must be reported to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

SECTION 610. STATE LEVEL OF EFFORT

This section requires the Secretary to study the most appropriate and accurate methods of calculating state level of effort in funding surface transportation programs and a report to Congress on study results.

SECTION 611. EVALUATION OF STATE PROCUREMENT PRACTICES

DOT is required to conduct a study of state department and agency quality assurance practices in procurement. A report to Congress to study results and an assessment of the need for a national policy of transportation quality assurance is required.

SECTION 612. AUTOMATED INTRUSION ALARMS FOR HIGHWAY CONSTRUCTION WORK ZONES

This section requires that the Secretary conduct a study on occupational injury and fatality statistics for street and highway work zones. A report to Congress on study results and recommendations for revisions to the manual for uniform traffic control devices is required in two years.

SECTION 613. BUS TESTING

This section amends Section 12(h) of the Urban Mass Transportation Act of 1964 to clarify that new bus models required to be tested under that Act include buses using alternative fuels.

An amendment to 317(b)(1) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 requires that braking performance and emissions tests be conducted on new bus models. Funding of \$1.5 million is provided to the bus testing center to purchase and install new testing equipment in accordance with new testing requirements, and a revolving fund of \$2.5 million is established to fund bus testing facility operations and maintenance.

Funds advanced under such circumstances are to be repaid to the loan fund.

SECTION 614. NATIONAL TRANSIT INSTITUTE

Under this section the Secretary is directed to make grants for the establishment of a national transit institute to develop and administer training programs on a broad range of transit matters, techniques and procedures for Federal, state, and local transportation employees engaged or to be engaged in Federal-aid transit work. Training in subject areas which are a Federal responsibility must be provided at no cost to state and local transportation employees.

The Secretary is to make available \$3,000,000 per fiscal year from funds provided under Section 21(h) for carrying out national transit institute activities.

States and public transit agencies may use up to one half percent of section 3 and 9 funds for up to 80 percent of tuition and direct education and training expenses for state and local transportation department employees.

SECTION 615. NATIONAL TRANSIT INSTITUTE

Section 615 amends Section 301(5) of title 49, United States Code, by inserting "and including basic highway vehicle science."

SECTION 616. RESEARCH AND DEVELOPMENT AUTHORITY OF SECRETARY OF TRANSPORTATION

Section 616 amends section 101(b)(4) of title 49, United States Code, by inserting "through research and development or otherwise."

SECTION 617. PURPOSES OF DEPARTMENT OF TRANSPORTATION

Section 617 establishes a Conference on Advanced Automotive Technologies of motor vehicle manufacturers, parts suppliers, Federal laboratories, and motor vehicles to explore ways of improving the competitiveness of the U.S. motor vehicle industry. This section also establishes a National Award for the Advancement of Motor Vehicle Research, to be presented periodically to one or more individuals or organizations who have made substantial advances in the field. No federal money is authorized for the prize.

SECTION 618. NONAPPLICABILITY TO RAIL

This section provides that the provisions of Title VI and amendments made thereby do not apply to rail transportation.

Part B: Intelligent Vehicle-Highway System Act

SECTION 651. SHORT TITLE

This Part is entitled the "Intelligent Vehicle-Highway Systems Act of 1991".

SECTION 652. THE ESTABLISHMENT AND SCOPE OF THE PROGRAM

This section is to "promote and facilitate the implementation of intelligent vehicle-highway systems" (IVHS). The Secretary is assigned responsibility to conduct such a program and a series of six goals are specified.

SECTION 653. GENERAL AUTHORITIES AND REQUIREMENTS

This section provides that the Secretary shall consult with the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, and the heads of other interested Federal departments and agencies in carrying out the program. The Secretary shall develop and implement standards and protocols to promote wide-spread use and evaluation of IVHS technology. To the extent possible, standards and protocols shall promote compatibility among IVHS systems. The Secretary shall also develop guidelines for the evaluation of operational tests and establish an information clearinghouse for technical and safety data. The Secretary can delegate the operation of the clearinghouse to an organization not within the Department of Transportation, which would be eligible for assistance under this part. The Secretary is authorized to use one or more advisory committees (under the Federal Advisory Committee Act) in carrying out responsibilities under the Act.

SECTION 654. STRATEGIC PLAN, IMPLEMENTATION, AND REPORT TO CONGRESS

This section requires that the Secretary prepare three types of IVHS-related documents. The strategic plan is to be completed within one year after enactment of the Act. It is to cover goals, objectives, non-technical constraints, a course of action, the development of standards and protocols, and acceleration of use of advanced technology. The Secretary is directed to develop a completely automated highway and vehicle system as a prototype for future systems. A report on the implementation of the strategic plan is due to Congress within two years, and annually thereafter. Also due within two years is a report on the non-technical constraints and barriers to the IVHS program. This report is to be prepared in cooperation with the Attorney General and the Secretary of Commerce, and an update is due within five years.

SECTION 655. TECHNICAL, PLANNING, AND OPERATIONAL TESTING PROJECT ASSISTANCE

This section authorizes the Secretary to provide assistance and information to state and local governments and make grants for feasibility and planning studies. This section also declares that any interagency traffic and incident management entity contracted to a state department of transportation for the development and implementation of traffic management systems of designated corridors is eligible for receipt of IVHS funds through the state DOT.

The Secretary may make grants to state and local governments for operational tests using criteria which includes giving highest priority to projects which would contribute to the IVHS strategic

plan and minimizing the relative percentage of Federal contributions (not including Federal-aid funds) to total project cost. Operational test projects are to advance the state of knowledge, build on previous successes, and include written evaluations.

SECTION 656. APPLICATIONS OF TECHNOLOGY

This section establishes the IVHS Corridors Program, through which the Secretary is to designate transportation corridors which will benefit from IVHS technology. Financial and technical assistance is to be applied to assist in the implementation of such systems.

Not less than 50 percent of the funds authorized for this section is to be provided to 3-10 corridors. These corridors must:

- Have a traffic density at least 1.5 times the national average;

- Be in a severe or extreme ozone nonattainment area (as designated by the EPA under the Clean Air Act);

- Include a variety of types of transportation facilities such as highway, bridges, tunnels, toll and non-toll;

- Have an inability to significantly expand existing surface transportation facilities;

- Include a mix of passenger, transit, and commercial motor vehicle traffic;

- Have complex traffic patterns, and

- Potentially contribute to the IVHS strategic plan developed under section 654.

The balance of funding (beyond the selected 3 to 10 corridors above) is to be used in corridors and areas where the application of IVHS and associated technologies will demonstrate benefits related to any of the following: improved operating efficiency, reduced regulatory burden, improved commercial productivity, improved safety, and enhanced motorist and traveler performance. The designated corridors may be in urban and rural areas, but urban corridors shall have a significant number of the characteristics set forth above.

SECTION 657. COMMERCIAL MOTOR VEHICLE SAFETY TECHNOLOGY

This section provides that the technology shall be studied and evaluated by the Secretary to test warning devices which alert vehicle operators if a turn, lane or other intended movement will place the vehicle in the path of an adjacent object or vehicle. The Secretary shall submit a report not later than two years after this Act to the applicable public works committees of the Senate and House on the study conducted on this technology.

SECTION 658. FUNDING

Funding is \$150 million annually for fiscal years 1992 to 1996 for conduct of the IVHS Corridors Program, to be provided as part of the funds deducted under 23 USC 104(a). If the Secretary does not allocate a portion of the funds to carry out the IVHS Corridors Program (sec. 656) for fiscal years 1992 and 1993, he may use the portion to carry out other activities authorized under this part. Funds shall remain available until expended.

For carrying out IVHS activities other than the IVHS Corridors Program (sec. 656), the Secretary shall designate not less than \$50 million for each of the fiscal years 1992 to 1996. Funds are available until expended, and Federal share is limited to 80%.

Of the funds made available under the IVHS Corridors Program, at least 5% of these funds are to be used for innovative, high-risk operational or analytical tests which may contribute significantly to the strategic plan, but do not attract non-Federal funding. The Secretary may waive the funding match requirement for these activities.

SECTION 659. DEFINITIONS

Definitions include those for "Intelligent Vehicle-Highway Systems", "corridor", and "state".

COMMITTEE ACTION AND VOTE

With respect to clause 2(1)(2) (a) and (b) of the Rules of the House of Representatives, the Committee favorably reported H.R. 2950 by a vote of 49 to 7 on July 25, 1991.

OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that no separate hearings were held on the subject matter of the legislation by the Subcommittee on Investigations and Oversight.

With respect to clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has not received a report from the Committee on Government Operations pertaining to the subject matter.

CONGRESSIONAL BUDGET ACT REQUIREMENTS

With respect to clause 2(1)(3) (B) and (C) of rule XI of the Rules of the House of Representatives, and in compliance with section 308(a) and section 403 of the Congressional Budget Act of 1974, the Committee has not received a report as of the filing of this report.

INFLATIONARY IMPACT ANALYSIS

With respect to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee reports that there should be no inflationary impact on prices and costs in the operation of the national economy by enactment of H.R. 2950.

COST ESTIMATE OF LEGISLATION

With respect to clause 7(A)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that H.R. 2950 may result in some additional cost to the Federal government.

With respect to clause 7(A)(2) of rule XIII of the Rules of the House of Representatives, the Committee reports that no cost estimate of H.R. 2950 was submitted to the Committee by the government agency.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 23, UNITED STATES CODE

* * * * *

CHAPTER 1.—FEDERAL-AID HIGHWAYS

Sec.

101. Definitions and declaration of policy.

102. Authorizations.

* * * * *

[130. Railway-highway crossing.]

130. *Combined highway safety improvement program.*

131. Control of outdoor advertising.

132. Payments on Federal-aid projects undertaken by a Federal agency.

133. *State flexible program.*

[134. Transportation planning in certain urban areas.

[135. Traffic operations improvement programs.]

134. *Metropolitan planning.*135. *Statewide planning.*

* * * * *

[152. Hazard elimination program.]

* * * * *

§ 101. Definitions and declaration of policy

(a) As used in this title, unless the context requires otherwise—

The term "apportionment" in accordance with section 104 of this title includes unexpended apportionments made under prior acts.

* * * * *

The term "highway safety improvement project" means a project which corrects or improves high hazard locations, eliminates roadside obstacles, improves highway signing and pavement marking, *installs priority control systems for emergency vehicles at signalized intersections*, installs or replaces emergency motorist aid call boxes, or installs traffic control or warning devices at high accident potential locations.

* * * * *

[The term "urbanized area" means an area so designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census.]

The term "urbanized area" means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary.

Boundaries shall, as a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census.

* * * * *

[The term "Federal-aid primary system" means the Federal-aid highway system described in subsection (b) of section 103 of this title.

[The term "Federal-aid secondary system" means the Federal-aid highway system described in subsection (c) of section 103 of this title.

[The term "Federal-aid urban system" means the Federal-aid highway system described in subsection (d) of section 103 of this title.]

The term "National Highway System" means the Federal-aid highway system described in subsection (b) of section 103 of this title.

The term "rural mobility system" means the Federal-aid highway system described in subsection (c) of section 103 of this title.

The term "urban mobility system" means the Federal-aid highway system described in subsection (d) of section 103 of this title.

The term "Interstate System" means the *Dwight D. Eisenhower* National System of Interstate and Defense Highways described in subsection (e) of section 103 of this title.

The term "startup costs for traffic management and control" means initial costs (including labor costs, administration costs, cost of utilities, and rent) for integrated traffic control systems, incident management programs, and traffic control centers.

The term "operational improvement" means a capital improvement for installation of traffic surveillance and control equipment, computerized signal systems, motorist information systems, integrated traffic control systems, incident management programs, and demand management systems and such other capital improvements to public roads as the Secretary may designate, by regulation; except that such term does not include resurfacing, restoring, or rehabilitating improvements, construction of additional lanes, interchanges, and grade separations, and construction of a new facility on a new location.

* * * * *

(b) It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including the National System of Interstate and Defense Highways, since many of such highways, or portions thereof, are in fact inadequate to meet the needs of local and interstate commerce, for the national and civil defense.

It is hereby declared that the prompt and early completion of the National System of Interstate and Defense Highways, so named because of its primary importance to the national defense and hereafter referred to as the "Interstate System", is essential to the national interest and is one of the most important objectives of this Act. It is the intent of Congress that the Interstate System be completed as nearly as practicable over the period of availability of the **[thirty-seven-years']** *forty-one years'* appropriations authorized for the purpose of expediting its construction, reconstruction, or im-

provement, inclusive of necessary tunnels and bridges, through the fiscal year ending September 30, [1993] 1997, under section 108(b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), and that the entire system in all States be brought to simultaneous completion. Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce.

* * * * *

§ 103. Federal-aid systems

[(a) For the purposes of this title, the four Federal-aid systems, the primary system, the urban system, the secondary system, and the Interstate System, are established and continued pursuant to the provisions of this section.

[(b)(1) The Federal-aid primary system shall consist of an adequate system of connected main highways, selected or designated by each State through its State highway department, subject to the approval of the Secretary as provided by subsection (f) of this section. This system shall not exceed 7 per centum of the total highway mileage of such State, exclusive of mileage within national forests, Indian, or other Federal reservations, and within urban areas, as shown by the records of the State highway department on November 9, 1921. Whenever provision has been made by any State for the completion and maintenance of 90 per centum of its Federal-aid primary system, as originally designated, said State through its State highway department by and with the approval of the Secretary is authorized to increase the mileage of its Federal-aid primary system by additional mileage equal to not more than 1 per centum of the total mileage of said State as shown by the records on November 9, 1921. Thereafter, it may make like 1 per centum increases in the mileage of its Federal-aid primary system whenever provision has been made for the completion and maintenance of 90 per centum of the entire system, including the additional mileage previously authorized. This system may be located both in rural and urban areas. The mileage limitations in this paragraph shall not apply to the District of Columbia, Hawaii, Alaska, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

[(2) After June 30, 1976, the Federal-aid primary system shall consist of an adequate system of connected main roads important to interstate, statewide, and regional travel, consisting of rural arterial routes and their extensions into or through urban areas. The Federal-aid primary system shall be designated by each State acting through its State highway department and where appropriate, shall be in accordance with the planning process pursuant to section 134 of this title, subject to the approval of the Secretary as provided by subsection (f) of this section.

[(c)(1) The Federal-aid secondary system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secre-

tary as provided in subsection (f) of this section. In making such selections, farm-to-market roads, rural mail routes, public school bus routes, local rural roads, access roads to airports, county roads, township roads, and roads of the county road class may be included, so long as they are not on the Federal-aid primary system or the Interstate System. This system may be located both in rural and urban areas, but any extension of the system into urban areas shall be subject to the condition that such extension pass through the urban area or connect with another Federal-aid system within the urban area.

[(2) After June 30, 1976, the Federal-aid secondary system shall consist of rural major collector routes. The Federal-aid secondary system shall be designated by each State through its State highway department and appropriate local officials in cooperation with each other, subject to the approval of the Secretary as provided in subsection (f) of this section.]

[(d)(1) The Federal-aid urban system shall be established in each urbanized area, and in such other urban areas as the State highway department may designate. The system shall be so located as to serve the major centers of activity, and shall include high traffic volume arterial and collector routes, including access roads to airports and other transportation terminals. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Each route of the system to the extent feasible shall connect with another route on a Federal-aid system. Routes on the Federal-aid urban system shall be selected by the appropriate local officials so as to serve the goals and objectives of the community, with the concurrence of the State highway departments, and, in urbanized areas, also in accordance with the planning process under section 134 of this title. Designation of the Federal-aid urban system shall be subject to the approval of the Secretary as provided in subsection (f) of this section. The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system except as determined by the Secretary to be inconsistent with this subsection.]

[(2) After June 30, 1976, the Federal-aid urban system shall be located in each urbanized area and such other areas as the State highway departments may designate and shall consist of arterial routes and collector routes, exclusive of urban extensions of the Federal-aid primary system. The routes on the Federal-aid urban system shall be designated by appropriate local officials, with the concurrence of the State highway departments, subject to the approval of the Secretary as provided in subsection (f) of this section, and in the case of urbanized areas shall also be in accordance with the planning process required pursuant to the provisions of section 134 of this title.]

(a) *IN GENERAL.*—For purposes of this title, the 4 Federal-aid systems are the Interstate System, the National Highway System, the urban mobility system, and the rural mobility system.

(b) *NATIONAL HIGHWAY SYSTEM.*—

(1) *PURPOSE.*—The purpose of the National Highway System is to provide an interconnected system of principal arterial routes which will serve major population centers, international border crossings, ports, airports, public transportation facilities,

and other intermodal transportation facilities; meet national defense requirements; and serve interstate and interregional travel.

(2) **COMPONENTS.**—The National Highway System shall consist of the following:

(A) Highways designated as part of the Interstate System under subsection (e) and section 139 of this title.

(B) Other urban and rural principal arterials and highways which provide motor vehicle access between such an arterial and a major port, airport, public transportation facility, or other intermodal transportation facility. The States, in cooperation with local officials, shall propose to the Secretary arterials and highways for designation to the National Highway System under this paragraph. In urbanized areas, the local officials shall act through the metropolitan planning organizations designated for such areas under section 134 of this title. The routes on the National Highway System, as shown on the map submitted by the Secretary to the Committee on Public Works and Transportation of the House of Representatives in 1991, illustrating the National Highway System, shall serve as the basis for the States in proposing arterials and highways for designation to such system. The Secretary may modify or revise such proposals and submit such modified or revised proposals to Congress for approval in accordance with paragraph (3).

(C) A strategic highway network which is a network of highways which are important to the United States strategic defense policy and which provide defense access, continuity, and emergency capabilities for the movement of personnel, materials, and equipment in both peace time and war time. Such highways may include highways on and off the Interstate System and shall be designated by the Secretary in consultation with appropriate Federal agencies and the States and subject to approval by Congress in accordance with paragraph (3).

(D) Major strategic highway network connectors which are highways that provide motor vehicle access between major military installations and highways which are part of the strategic highway network. Such highways shall be designated by the Secretary in consultation with appropriate Federal agencies and the States and subject to approval by Congress in accordance with paragraph (3).

(3) **APPROVAL OF DESIGNATIONS.**—

(A) **PROPOSED DESIGNATIONS.**—Not later than September 30, 1993, the Secretary shall submit for approval to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a proposed National Highway System with a list and description of highways proposed to be designated to the National Highway System under this subsection and a map showing such proposed designations. In preparing the prepared system, the Secretary shall consult appropriate local officials and shall use the functional

reclassification of roads and streets carried out under subsection (c) of section 106 of the Intermodal Surface Transportation Infrastructure Act of 1991.

(B) **APPROVAL OF CONGRESS REQUIRED.**—After September 30, 1994, no funds made available for carrying out this title may be apportioned or allocated under this title unless a law has been approved designating the National Highway System.

(C) **MAXIMUM MILEAGE.**—For purposes of proposing highways for designation to the National Highway System, the mileage of highways on the National Highway System shall not exceed 155,000 miles; except that the Secretary may increase or decrease such maximum mileage but not to exceed 15 percent.

(D) **EQUITABLE ALLOCATIONS OF HIGHWAY MILEAGE.**—In proposing highways for designation to the National Highway System, the Secretary shall provide for equitable allocation of highway mileage among the States.

(4) **INTERIM SYSTEM.**—For fiscal years 1992, 1993, and 1994, highways classified as principal arterials of June 1, 1991, shall be treated as being on the National Highway System for purposes of this title.

(c) **RURAL MOBILITY SYSTEM.**—The rural mobility system shall consist of major collector routes and arterials which are located in rural areas and are not on the National Highway System. Such routes and arterials shall be designated by each State through its State highway department, appropriate local officials, and Indian tribal governments in cooperation with each other, subject to the approval of the Secretary as provided in subsection (f).

(d) **URBAN MOBILITY SYSTEM.**—The urban mobility system shall consist of collector routes and arterials which are located in urban areas and are not on the National Highway System, including access roads to ports, airports, public transportation facilities, and other intermodal transportation facilities. Such routes and arterials shall be designated by appropriate local officials, with the concurrence of the State highway department, and subject to the approval of the Secretary as provided in subsection (f) and, in the case of urbanized areas, shall also be in accordance with the planning process required pursuant to the provisions of section 134 of this title.

(e) **INTERSTATE SYSTEM.**—

(1) * * *

* * * * *

(4) **INTERSTATE SUBSTITUTE PROGRAM.**—

(A) * * *

* * * * *

(E) **AVAILABILITY OF FUNDS FOR SUBSTITUTE PROJECTS.**—

(i) **TIME PERIOD.**—The sums apportioned and the sums allocated under this paragraph for public mass transit projects and for highway construction projects in a State shall remain available for obligation in such State for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fiscal

year. In the case of funds authorized to be appropriated for substitute transit projects under this paragraph for fiscal year 1993 and for substitute highway projects under this paragraph for fiscal year 1995, such funds shall remain available until expended.

* * * * *

(G) **AUTHORIZATION OF APPROPRIATIONS FOR HIGHWAY PROJECTS.**—For the fiscal year ending September 30, 1983, \$257,000,000 shall be available out of the Highway Trust Fund for expenditure at the discretion of the Secretary for projects under highway assistance programs. There shall be available, out of the Highway Trust Fund (other than the Mass Transit Account), to the Secretary for expenditure under this paragraph for projects under highway assistance programs \$700,000,000 per fiscal year for each of fiscal years 1984 and 1985, \$693,825,000 for fiscal year 1986, [and] \$740,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991, and \$240,000,000 per fiscal year for each of fiscal years 1992, 1993, 1994, and 1995.

(H) **DISTRIBUTION OF SUBSTITUTE HIGHWAY FUNDS.**—

(i) **BETWEEN DISCRETIONARY AND APPORTIONED PROGRAMS.**—Subject to section 149(d) of the Federal-Aid Highway Act of 1987, 25 percent of the funds made available by subparagraph (G) for each of fiscal years 1984, 1985, 1986, 1987, 1988, 1989, 1990, and 1991 for substitute highway projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining 75 percent of such funds shall be apportioned in accordance with cost estimates approved by Congress or adjusted by the Secretary. *For each of fiscal years 1992, 1993, 1994, and 1995, all funds made available by subparagraph (G) shall be apportioned in accordance with cost estimates adjusted by the Secretary.*

(ii) **FISCAL YEARS 1985, 1986, AND 1987 APPORTIONMENTS.**—The Secretary shall make a revised estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives within 10 days subsequent to January 2, 1984, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for fiscal years 1985, 1986, and 1987.

(iii) **FISCAL YEARS [1988, 1989, 1990, AND 1991 APPORTIONMENTS] 1988-1995 APPORTIONMENTS.**—The Secretary shall make a revised estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of the enactment of the Federal-Aid Highway Act of 1987. Upon approval by Congress, the Secretary

shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for fiscal year 1988. If such estimate is not approved by Congress by September 30, 1987, the Secretary shall adjust such estimate in accordance with this clause and use the Federal share of the adjusted estimate in making apportionments for fiscal year 1988. The Secretary shall adjust such estimate annually thereafter in accordance with this clause and shall use the Federal share of such adjusted estimate in making apportionments for substitute highway projects for fiscal years 1989, 1990, [and 1991.] *1991, 1992, 1993, 1994, and 1995.* The adjustments required by this clause shall reflect previous withdrawals of interstate segments, changes in State estimates in the division of funds between substitute highway and transit projects, amounts made available in prior fiscal years, and the availability and reapportionment of funds under subparagraph (E).

* * * * *

(J) DISTRIBUTION OF SUBSTITUTE TRANSIT FUNDS.—

(i) BETWEEN DISCRETIONARY AND APPORTIONED PROGRAMS.—Fifty percent of the funds appropriated for each fiscal year beginning after September 30, 1983, *and ending before October 1, 1991* for carrying out substitute transit projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining 50 percent of such funds shall be apportioned in accordance with cost estimates approved by Congress or adjusted by the Secretary. *100 percent of funds appropriated for each of fiscal years 1992 and 1993 shall be apportioned in accordance with cost estimates adjusted by the Secretary.*

* * * * *

(iii) FISCAL YEARS [1988, 1989, 1990, AND 1991 APPORTIONMENTS] *1988-1993 APPORTIONMENTS.*—The Secretary shall make a revised estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of the enactment of the Federal-Aid Highway Act of 1987. Upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for fiscal year 1988. If such estimate is not approved by Congress by September 30, 1987, the Secretary shall adjust such estimate in accordance with this clause and use the Federal share of the adjusted estimate in making apportionments for fiscal year 1988. The Secretary shall adjust such estimate annually thereafter in accordance with this clause and shall use the Federal share of such adjusted estimate in making

apportionments for substitute transit projects for fiscal years 1989, 1990, [and 1991.] 1991, 1992, and 1993. The adjustments required by this clause shall reflect previous withdrawals of Interstate segments, changes in State estimates in the division of funds between substitute highway and transit projects, amounts made available in prior fiscal years, and the availability and reapportionment of funds under subparagraph (E).

* * * * *

(f) The Secretary shall have authority to approve in whole or in part [the Federal-aid primary system, the Federal-aid secondary system, the Federal-aid urban system,] *rural mobility system, the urban mobility system*, and the Interstate System, as and when such systems or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system (*other than the National Highway System*) or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.

* * * * *

(i) *ELIGIBLE PROJECTS FOR NHS.*—Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, funds apportioned to a State under section 104(b)(1) for the National Highway System may be obligated for any of the following:

(1) Construction, reconstruction, resurfacing, restoration, and rehabilitation of segments of such system.

(2) Operational improvements for segments of such system.

(3) Construction of, and operational improvements for, a Federal-aid highway not on the National Highway System if such highway is adjacent to a fully access controlled highway designated to the National Highway System, if the construction or improvements will improve the level of service on the fully access controlled highway and improve regional travel, and if the construction or improvements are more cost-effective than an improvement to the fully access controlled highway with benefits comparable to the benefits which will be achieved by the construction of, or improvements to, the highway not on the National Highway System.

(4) Highway safety improvements for segments of the National Highway System.

(5) Transportation planning in accordance with section 134 and 135 of this title.

(6) Highway research and planning in accordance with section 307 of this title.

(7) Highway-related technology transfer activities.

(8) Startup costs for traffic management and control if such costs are limited to the time period necessary to achieve operable status but not to exceed 2 years following the date of project approval, if such funds are not used to replace existing funds, and if the State highway department agrees to continue operat-

ing the improvement or to be responsible for its operation at the end of such period.

(9) Fringe and corridor parking facilities in accordance with section 137.

(10) Carpool and vanpool projects in accordance with section 146.

(11) Bicycle transportation in accordance with section 217.

(12) Development and establishment of management systems under section 303.

(13) Participation in wetland mitigation banks and statewide programs to create, conserve, or enhance wetland habitat (including development of statewide mitigation plans and State or regional wetland conservation and enhancement banks), including any such banks and programs authorized pursuant to the Water Resources Development Act of 1990 or other Federal law. Contributions toward these efforts may occur in advance of specific project activity to build up credit for future projects that may impact wetlands.

(j) **ELIGIBLE PROJECTS FOR MOBILITY SYSTEMS.**—Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, funds apportioned to a State under section 104(b)(2) for the rural mobility system or section 104(b)(6) for the urban mobility system may be obligated for any of the following:

(1) Construction, reconstruction, resurfacing, restoration, and rehabilitation of segments of such system.

(2) Operational improvements for segments of such system.

(3) Highway safety improvements for segments of such system.

(4) Public transportation in accordance with section 142 of this title, including capital public transportation projects and capital projects to improve access and coordination between intercity and rural bus service under such section.

(5) Transportation planning in accordance with sections 134 and 135 of this title.

(6) Highway research and planning in accordance with section 307 of this title.

(7) Highway-related and public transportation-related technology transfer activities.

(8) Startup costs for traffic management and control if such costs are limited to the time period necessary to achieve operable status but not to exceed 2 years following the date of project approval, if such funds are not used to replace existing funds, and if the State highway department agrees to continue operating the improvement or to be responsible for its operation at the end of such period.

(9) Fringe and corridor parking facilities in accordance with section 137.

(10) Carpool and vanpool projects in accordance with section 146.

(11) Bicycle transportation and pedestrian walkways in accordance with section 217 of this title.

(12) Development and establishment of management systems under section 303 of this title.

(13) Landscaping, scenic enhancement, and planting of wild flowers in accordance with section 319 of this title.

(14) Participation in wetland mitigation banks and statewide programs to create, conserve, or enhance wetland habitat (including development of statewide mitigation plans and State or regional wetland conservation and enhancement banks), including any such banks and programs authorized pursuant to the Water Resources Development Act of 1990 or other Federal law. Contributions toward these efforts may occur in advance of specific project activity to build up credit for future projects that may impact wetlands.

§ 104. Apportionment

(a) * * *

(b) On October 1 of each fiscal year except as provided in paragraphs (4) and (5) of this subsection, the Secretary, after making the deduction authorized by subsection (a) of this section and the set asides authorized by subsection (f) of this section and sections 118(c) and 307(d) of this title, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems for that fiscal year, among the several States in the following manner.

[(1) For the Federal-aid primary system (including extensions in urban areas and priority primary routes)—

Two-thirds according to the following formula: one-third in the ratio which the area of each State bears to the total area of all the States, one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States as shown by the latest available Federal census, and one-third in the ratio which the mileage of rural delivery routes and intercity mail routes where service is performed by motor vehicles in each State bear to the total mileage of rural delivery and intercity mail routes where service is performed by motor vehicles, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary; and one-third as follows: in the ratio which the population in urban areas in each State bears to the total population in urban areas in all the States as shown by the latest Federal census. No State (other than the District of Columbia) shall receive less than one-half of 1 per centum of each year's apportionment.

[(2) For the Federal-aid secondary system:

One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and intercity mail routes where service is performed by motor vehicles, certified as above provided, in each State bears to the total mileage of rural delivery and intercity mail routes where service is performed by motor vehicles in all the States. No State (other than the District of Columbia) shall receive less than one-half of 1 per centum of each year's apportionment.]

(1) NATIONAL HIGHWAY SYSTEM.—For the national highway system as follows:

One-third in the ratio which diesel fuel consumption in the State bears to diesel fuel consumption in all the States.

Two-ninths in the ratio which vehicle miles of travel in urban areas in the State bears to vehicle miles of travel in urban areas in all the States.

Two-ninths in the ratio which lane miles on public roads in urban areas in the State bears to lane miles on public roads in urban areas in all the States.

One-ninth in the ratio which vehicle miles of travel in rural areas in the State bears to vehicle miles of travel in rural areas in all the States.

One-ninth in the ratio which lane miles on public roads in rural areas in the State bears to lane miles on public roads in rural areas in all the States.

No State shall receive less than $\frac{1}{2}$ of 1 percent of each year's apportionment. For purposes of this paragraph, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be considered together as one State.

(2) RURAL MOBILITY SYSTEM.—For the rural mobility system as follows:

One-half in the ratio which the population in rural areas in the State bears to the population in rural areas in all the States.

One-half in the ratio which lane miles on public roads in rural areas in the State bears to lane miles on public roads in rural areas in all the States.

No State (other than the District of Columbia) shall receive less than $\frac{1}{2}$ of 1 percent of each year's apportionment.

(3) STATE FLEXIBLE PROGRAM.—For the State flexible program in the ratio which the estimated tax payments attributable to highway users in the State paid into Highway Trust Fund bear to the estimated tax payments attributable to highway users in all the States paid into the Highway Trust Fund. No State shall receive less than $\frac{1}{2}$ of 1 percent of each year's apportionment.

* * * * *

(5)(A) Except as provided in subparagraph (B)—For the Interstate System for the fiscal years 1960 through [1990] 1997:

For the fiscal years 1960 through 1966, in the ratio which the estimated cost of completing the Interstate System in such State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of completing the Interstate System in all of the States. For the fiscal years 1967 through 1990, in the ratio which the Federal share of the estimated cost of completing the Interstate System in such State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of the Federal share of completing the Interstate System in all of the States. Each apportionment herein authorized for the fiscal years 1960 through [1990] 1990, inclusive, shall be made on October 1 of the year preceding the fiscal year for which authorized.

As soon as the standards provided for in subsection (b) of section 109 of this title have been adopted, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of completing the Interstate System as then designated, after taking into account all previous apportionments made under this section, based upon such standards and in accordance with rules and regulations adopted by him and applied uniformly to all of the States. The Secretary shall transmit such estimates to the Senate and the House of Representatives within ten days subsequent to January 2, 1958. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1960, June 30, 1961, and June 30, 1962. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1961. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1963, June 30, 1964, June 30, 1965, and June 30, 1966. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1965. Upon the approval of such estimate by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1967; June 30, 1968; and June 30, 1969. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1968. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1970, and June 30, 1971. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives on April 20, 1970. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1972, and June 30, 1973. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to

the Senate and the House of Representatives within ten days subsequent to January 2, 1972. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1975. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making the apportionment for the fiscal year ending September 30, 1977. The Secretary shall make the apportionment for the fiscal year ending September 30, 1978, in accordance with section 103 of the Federal-Aid Highway Act of 1976. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1977. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1979, and September 30, 1980. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1979. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1981, and September 30, 1982. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1981. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending September 30, 1983, and September 30, 1984. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1983. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1985, and September 30, 1986. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous appor-

tionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1985. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1987, and September 30, 1990. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1987. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years ending September 30, 1989, and September 30, 1990. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1989. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years 1991 and 1992. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within 10 days subsequent to January 2, 1991. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal year 1993. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives. The Secretary shall not include in any estimate submitted under this provision after December 31, 1978, any cost of a project to expand or clear zones immediately adjacent to the paved roadway of routes designed prior to February, 1967. Notwithstanding any other provisions of this subparagraph, the Secretary in making the revised estimate of the cost of completing the then designated Interstate System for the purpose of transmitting it to the Senate and the House of Representatives within ten days subsequent to January 2, 1983, or thereafter, shall include only those costs eligible for funds authorized by subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, including the amendments made by section 4 of the Federal-Aid Highway Act of 1981. [On October 1 of each of fiscal years 1988, 1989, 1990, and 1991, whenever Congress has not approved a cost estimate under this subparagraph, the Secretary shall make the apportionments required by this subparagraph using the Federal share of the last estimate submitted to Congress, adjusted to reflect (i) all previous credits, ap-

portionments of interstate construction funds and lapses of previous apportionments of interstate construction funds, (ii) previous withdrawals of interstate segments, (iii) previous allocations of interstate discretionary funds, and (iv) transfers of interstate construction funds.] *On October 1, of each of fiscal years 1992, 1993, 1994, 1995, and 1996, the Secretary shall make the apportionment required by this subparagraph for all States (other than Massachusetts) using the Federal share of the last estimate submitted to Congress, adjusted to reflect (i) all previous credits, apportionments of interstate construction funds and lapses of previous apportionments of interstate construction funds, (ii) previous withdrawals of interstate segments, (iii) previous allocations of interstate discretionary funds, and (iv) transfers of interstate construction funds. Notwithstanding any other provision of this subparagraph or any cost estimate approved or adjusted pursuant to this subparagraph, the amounts to be apportioned to the State of Massachusetts pursuant to this subparagraph for fiscal years 1993, 1994, 1995, 1996, and 1997 shall be as follows: \$480,000,000 for fiscal year 1993, \$800,000,000 for fiscal year 1994, \$800,000,000 for fiscal year 1995, \$470,000,000 for fiscal year 1996, and \$200,000,000 for fiscal year 1997. If, before apportionment of funds under this subparagraph for any fiscal year, the Secretary and a State highway department agree that a portion of the apportionment to such State is not needed for such fiscal year, the amount of such portion shall be made available under section 118(b)(2) of this title.*

* * * * *

[(6) For the Federal-aid urban system:

[In the ratio which the population in urban areas, or parts thereof, in each State bears to the total population in such urban areas, or parts thereof, in all the States as shown by the latest available Federal census. No State shall receive less than one-half of 1 per centum of each year's apportionment.]

(6) *URBAN MOBILITY SYSTEM.*—*For the urban mobility system in the ratio which the population in urban areas, or parts thereof, in each State bears to the total population in such urban areas, or parts thereof, in all the States as shown by the latest available Federal census. No State shall receive less than 1/2 of 1 percent of each year's apportionment.*

[(c)(1) Subject to subsection (d), the amount apportioned in any fiscal year, commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat. 374), to each State in accordance with paragraph (1) or (2) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest.

[(2) Subject to subsection (d), the amount apportioned in any fiscal year to each State in accordance with paragraph (1) or (6) of subsection (b) of this section may be transferred from the appor-

tionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. Funds apportioned in accordance with paragraph (6) of subsection (b) of this section shall not be transferred from their allocation to any urbanized area of two hundred thousand population or more under section 150 of this title, without the approval of the local officials of such urbanized area.

[(d) Each transfer of apportionments under subsection (c) of this section shall be subject to the following conditions:

[(1) In the case of transfers under paragraph (1), the total of all transfers during any fiscal year to any apportionment shall not increase the original amount of such apportionment for such fiscal year by more than 50 per centum. Not more than 50 per centum of the original amount of an apportionment for any fiscal year shall be transferred to other apportionments.

[(2) In the case of transfers under paragraph (2), the total of all transfers during any fiscal year to any apportionment shall not increase the original amount of such apportionment for such fiscal year by more than 50 per centum. Not more than 50 per centum of the original amount of an apportionment for any fiscal year shall be transferred to other apportionments.

[(3) No transfer shall be made from an apportionment during any fiscal year if during such fiscal year a transfer has been made to such apportionment.

[(4) No transfer shall be made to an apportionment during any fiscal year if during such fiscal year a transfer has been made from such apportionment.]

(c) *TRANSFERABILITY OF NHS APPORTIONMENTS.*—Subject to subsection (d), the Governor of a State may transfer—

(A) not to exceed 25 percent of the State's apportionment under subsection (b)(1); and

(B) not to exceed an additional 10 percent of such apportionment if the Governor determines that the Interstate System within the boundaries of the State is being adequately maintained;

to the apportionment of the State under subsection (b)(2) or (b)(6), or both.

(d) *SPECIAL TRANSFERABILITY RULES FOR NONATTAINMENT AREAS.*—In any case in which 90 percent or more of the area of a State is located in a nonattainment area for carbon monoxide or ozone under the Clean Air Act, the Governor of the State may transfer up to 100 percent of the State's apportionment under subsection (b)(1) to the apportionment of the State under subsection (b)(2) or (b)(6), or both.

* * * * *

(f)(1) On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) of this section, shall set aside not to exceed [one-half per centum] 1 percent of the remaining funds authorized to be appropriated for expenditure upon the Federal-aid systems, for the purpose of carrying out the requirements of section 134 of this title, except that in the case of

funds authorized for apportionment on the Interstate System, the Secretary shall set aside that portion of such funds (subject to the overall limitation of [one-half of 1 per centum] 1 percent) on October 1 of the year next preceding the fiscal year for which such funds are authorized for such System.

* * * * *

(g) Not more than 40 per centum of the amount apportioned in any fiscal year to each State in accordance with sections 130[, 144, and 152] and 144 of this title may be transferred from the apportionment under one section to the apportionment under any other of such sections if such a transfer is requested by the State highway department and is approved by the Secretary as being in the public interest. The Secretary may approve the transfer of 100 per centum of the apportionment under one such section to the apportionment under any other of such sections if such transfer is requested by the State highway department, and is approved by the Secretary as being in the public interest, if he has received satisfactory assurances from such State highway department that the purposes of the program from which such funds are to be transferred have been met. Nothing in this subsection authorized the transfer of any amount apportioned from the Highway Trust Fund to any apportionment the funds for which were not from the Highway Trust Fund, and nothing in this subsection authorizes the transfer of any amount apportioned from funds not from the Highway Trust Fund to any apportionment the funds for which were from the Highway Trust Fund.

* * * * *

[§ 105. Programs

[(a) As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, the State highway department of any State desiring to avail itself of the benefits of this chapter shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part, but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system.

[(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require that such projects be selected by the State highway department and the appropriate local officials in cooperation with each other, except in States where all public roads and highways are under the control and supervision of the State highway department, such selection shall be made after consultation with appropriate local officials.

[(c) In approving programs for projects on the Federal-aid primary system, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

[(d) In approving programs for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected

by the appropriate local officials with the concurrence of the State highway department of each State and, in urbanized areas, also in accordance with the planning process required pursuant to section 134 of this title.

[(e) In approving programs for projects under this chapter, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the national defense by the Secretary of Defense, or other official authorized by the President to make such recommendation.

[(f) In approving programs for projects on the Federal-aid systems pursuant to chapter 1 of this title, the Secretary shall give priority to those projects which incorporate improved standards and features with safety benefits.

[(g) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments shall give consideration to projects providing direct and convenient public access to public airports, public ports for water transportation, new town communities, and new town-intown communities, and in approving such programs the Secretary shall give consideration to such projects.

[(h) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments may give priority to projects for the reconstruction, resurfacing, restoration, or rehabilitation of highways which are incurring a substantial use as a result of transportation activities to meet national energy requirements and which will continue to incur such use, and in approving such programs the Secretary may give priority to such projects.]

§ 105. Programs.

(a) *PROGRAM OF PROJECTS.*—As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, a State desiring to avail itself of the benefits of this chapter shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part, but he shall not approve any project in a proposed program which is not eligible for assistance under this title.

(b) *TRANSPORTATION PLANNING AND PROJECT SELECTION REQUIREMENTS.*—

(1) *INCLUSION IN TIP.*—After September 30, 1992, the Secretary may not approve any project within the boundaries of a State under this chapter unless the project is included in a transportation improvement program developed under section 134 or 135.

(2) *URBANIZED AREAS.*—

(A) *METROPOLITAN PLANNING.*—The Secretary may not approve any program of projects in an urbanized area unless the Secretary finds that such projects are based on the planning process under section 134 of this title.

(B) *STATE CONSIDERATION OF LOCAL VIEWS.*—The Secretary may not approve under this chapter a project in an ur-

banized area (other than a project to be carried out with funds apportioned for the urban mobility system under section 104(b)(6)) unless the State has consulted with the responsible public officials of such area and has considered the views of such officials with respect to the corridor, the location, and the design of the project.

(3) **CONGESTION MANAGEMENT.**—The Secretary may not approve a highway project (other than a project for construction of high occupancy vehicle lanes) in an urbanized area of more than 200,000 population which will significantly increase the motor vehicle carrying capacity of a highway facility unless the project is consistent with any congestion management system for such area.

(4) **PEDESTRIAN WALKWAYS AND BICYCLE TRANSPORTATION FACILITIES.**—

(A) **GENERAL RULE.**—The Secretary may not approve under this chapter a highway project within the boundaries of a State which has associated with it a project for construction of a pedestrian walkway or a bicycle transportation facility under the State transportation improvement program developed under section 135 unless the Secretary first approves such pedestrian walkway or bicycle transportation project.

(B) **EXCEPTION.**—The Secretary does not have to approve a project for construction of a pedestrian walkway or bicycle transportation facility under subparagraph (A)—

(i) if the Secretary determines that such construction is not feasible or that use of the walkway or facility would pose a safety risk to pedestrians or bicyclists, as the case may be; or

(ii) the Secretary determines that there will be no substantial transportation or recreation benefit resulting from the project.

(c) **NHS IN NONURBANIZED AREAS.**—In approving programs for projects on the National Highway System not located in an urbanized area the Secretary shall require that such projects be selected by the State in consultation with appropriate local officials.

(d) **RURAL MOBILITY SYSTEM.**—In approving programs for projects on the rural mobility system, the Secretary shall require that such projects be selected by the State highway department, the appropriate local officials, and Indian tribal governments in cooperation with each other; except that, in the case of a State where all public roads and highways are under the control and supervision of the State highway department, such selection shall be made after consultation with appropriate local officials and Indian tribal governments.

(e) **NATIONAL HIGHWAY SYSTEM PREFERENCE.**—In approving programs for projects on the National Highway System, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

(f) **URBAN MOBILITY SYSTEM SELECTION PROCESS.**—In approving programs for projects on the urban mobility system in an urbanized area, the Secretary shall require that such projects be selected by the

metropolitan planning organization designated for such area under section 134 of this title in consultation with the State.

(g) **NATIONAL DEFENSE PRIORITY.**—In approving programs for projects under this chapter, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the national defense by the Secretary of Defense or other official authorized by the President to make such recommendation.

(h) **SAFETY PRIORITY.**—In approving programs for projects on the Federal-aid systems under this chapter, the Secretary shall give priority to those projects which incorporate improved standards and features with safety benefits.

(i) **INTERMODAL CONSIDERATION.**—In preparing programs to submit in accordance with subsection (a) of this section, the State shall give consideration to projects providing direct and convenient public access to public airports, public ports for water transportation, new town communities, and new town-intown communities. In approving such programs the Secretary shall give consideration to such projects.

(j) **NATIONAL ENERGY CONSIDERATION.**—In preparing programs to submit in accordance with subsection (a) of this section, the State may give priority to projects for the reconstruction, resurfacing, restoration, or rehabilitation of highways which are incurring a substantial use as a result of transportation activities to meet national energy requirements and which will continue to incur such use. In approving such programs the Secretary may give priority to such projects.

(k) **PRIORITY FOR HIGH PRIORITY SEGMENTS OF CORRIDORS OF NATIONAL SIGNIFICANCE.**—In selecting projects for inclusion in a program of projects under this section, the State shall give priority to high priority segments of corridors identified under subsection (f)(1) of section of the Intermodal Surface Transportation Infrastructure Act of 1991. In approving programs of projects under this section, the Secretary shall give priority of approval to, and expedite construction of, projects to complete construction of such segments.

§ 106. Plans, specifications, and estimates

(a) * * *

* * * * *

[(c) Items included in any such estimate for construction engineering shall not exceed 15 percent of the total estimated cost of a project financed with Federal-aid highway funds, after excluding from such total estimate cost, the estimated costs of rights-of-way, preliminary engineering, and construction engineering.]

(c) **LIMITATION ON ESTIMATES FOR CONSTRUCTION ENGINEERING.**—Items included in all such estimates for construction engineering for a State for a fiscal year shall not exceed, in the aggregate, 15 percent of the total estimated costs of all projects financed within the boundaries of the State with Federal-aid highway funds in such fiscal year, after excluding from such total estimate costs, the esti-

mated costs of rights-of-way, preliminary engineering, and construction engineering.

* * * * *

§ 109. Standards

(a) * * *

* * * * *

(c) Projects on the **[Federal-aid secondary]** *rural mobility* system in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost.

* * * * *

§ 112. Letting of contracts

(a) * * *

(b) **BIDDING REQUIREMENTS.**—

(1) * * *

(2) **CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.**—

(A) * * *

* * * * *

(C) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with subparagraph (A), whether funded in whole or in part with Federal-aid highway funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

(D) INDIRECT COST RATES.—In lieu of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subparagraph (A) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant government agency or independent certified public accountant if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings in accordance with section 15.901(c) of such title 48. A recipient of such funds requesting or using the cost and rate data described in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to any other firm or to any government agency which is not part of the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

* * * * *

(e) STANDARDIZED CONTRACT CLAUSE CONCERNING SITE CONDITIONS.—

(1) GENERAL RULE.—The Secretary shall issue regulations establishing and requiring, for inclusion in each contract entered into with respect to any project approved under section 106 of this title (*including a contract entered into under section 117*) a contract clause, developed in accordance with guidelines established by the Secretary, which equitably addresses each of the following:

(A) * * *

* * *

(f) The provisions of this section shall not be applicable to contracts for projects on the [Federal-aid secondary] *rural mobility* system in those States where the Secretary has discharged his responsibility pursuant to section 117 of this title, except where employees of a political subdivision of a State are working on a project outside of such political subdivision.

* * *

§ 113. Prevailing rate of wage

(a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the construction work performed on highway projects on the Federal-aid systems[, the primary and secondary, as well as their extension in urban areas, and the Interstate System,] authorized under the highway laws providing for the expenditure of Federal funds upon the Federal-aid systems, shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931, known as the Davis-Bacon Act (40 U.S.C. 276a).

* * *

§ 114. Construction

(a) * * *

(b) CONVICT LABOR AND CONVICT PRODUCED MATERIALS.—

(1) * * *

(2) LIMITATION ON CONVICT PRODUCED MATERIALS.—Materials produced *after July 1, 1991*, by convict labor may only be used in such construction—

(A) if such materials are produced by convicts who are on parole, supervised release, or probation from a prison; or

(B) if such materials are produced by convicts in a qualified prison facility and the amount of such materials produced in such facility for use in such construction during any 12-month period does not exceed the amount of such materials produced in such facility for use in such construction during the 12-month period ending July 1, 1987.

* * *

§ 118. Availability of funds

(a) On and after the date that the Secretary has certified to each State highway department the sums apportioned [to each Federal-aid system or part thereof] pursuant to an authorization under this title, or under prior Acts, such sums shall be available for expenditure under the provisions of this title.

(b) PERIODS OF AVAILABILITY OF FUNDS; DISCRETIONARY PROJECTS.—

(1) PERIOD OF AVAILABILITY OF NON-INTERSTATE FUNDS.—Sums apportioned [to each Federal-aid system] (other than to the Interstate System) shall continue available for expenditure in that State [for the appropriate Federal-aid system or part thereof (other than the Interstate System)] for a period of three years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse.

(2) INTERSTATE CONSTRUCTION FUNDS.—

(A) PERIOD OF AVAILABILITY.—

(i) * * *

(ii) APPORTIONMENTS [THEREAFTER] BETWEEN OCTOBER 1, 1989, AND OCTOBER 1, 1991.—Sums apportioned on or after October 1, 1989, and before October 1, 1991, for the Interstate System in any State shall remain available for expenditure in the State until expended.

(iii) APPORTIONMENTS BETWEEN OCTOBER 1, 1991, AND OCTOBER 1, 1996.—*Except as otherwise provided in this subsection, sums apportioned on or after October 1, 1991, and before October 1, 1995, for the Interstate System in any State shall remain available for expenditure in the State until the end of the fiscal year in which they are apportioned.*

(iv) APPORTIONMENTS THEREAFTER.—Sums apportioned on October 1, 1995, for the Interstate System in any state shall remain available for expenditure in the State until expended.

(B) DISCRETIONARY PROJECTS.—Sums not obligated within the time period prescribed by subparagraph (A)(i) or subparagraph (A)(iii) shall lapse and, subject to section 149(d) of the Federal-Aid Highway Act of 1987, be made available by the Secretary for projects (*other than within the boundaries of the State of Massachusetts*) on the Interstate System (other than projects for which sums are apportioned under section 104(b)(5)(B)) in accordance with the following priorities:

(i) * * *

* * * * *

[(3) INTERSTATE 4R FUNDS.—

[(A) PERIOD OF AVAILABILITY.—Any amount apportioned to a State for the Interstate System under section 104(b)(5)(B) of this title shall continue to be available for expenditure in the State for a period of 1 year after the close of the fiscal year for which such sums are authorized.

[(B) DISCRETIONARY PROJECTS.—Sums not obligated within the time period prescribed by subparagraph (A) shall lapse and, subject to section 149(d) of the Federal-Aid Highway Act of 1987, be made available by the Secretary for projects for resurfacing, restoring, rehabilitating, and reconstructing any route or portion thereof on the Interstate System (other than any highway designated as a part of the Interstate System under section 139 and any toll road on the Interstate System not subject to an agreement under section 119(e) of this title). Such funds shall be made available by the Secretary to any other State applying for such funds, if the Secretary determines that—

[(i) the State has obligated all of its apportionments under section 104(b)(5)(B) other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System which has been submitted by such State to the Secretary for approval; and

[(ii) the applicant is willing and able to (I) obligate the funds within 1 year of the date the funds are made available, (II) apply them to a ready-to-commence project, and (III) in the case of construction work, begin work within 90 days of obligation.

[(C) PRIORITY CONSIDERATION FOR CERTAIN PROJECTS.—In selecting projects to fund under subparagraph (B), the Secretary shall give priority consideration to any project the cost of which exceeds \$10,000,000 on any high volume route in an urban area or a high truck-volume route in a rural area.

[(D) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this paragraph shall remain available until expended.]

* * * * *

(c) SET ASIDES FOR INTERSTATE DISCRETIONARY PROJECTS.—

(1) SET ASIDE FOR CONSTRUCTION PROJECTS.—Before any apportionment is made under section 104(b)(5)(A) of this title for a fiscal year beginning after September 30, [1983] 1992, the Secretary shall set aside [\$300,000,000] \$150,000,000. Subject to section 149(d) of the Federal-Aid Highway Act of 1987, such amount shall be available only for obligation by the Secretary in accordance with subsection (b)(2) of this section.

[(2) SET ASIDE FOR 4R PROJECTS.—Before any apportionment is made under section 104(b)(5)(B) of this title, the Secretary shall set aside \$200,000,000 for obligation by the Secretary in accordance with subsection (b)(3) of this section and subject to section 149(d) of the Federal-Aid Highway Act of 1987.]

(2) SET ASIDE FOR 4R PROJECTS.—

(A) IN GENERAL.—Before any apportionment is made under section 104(b)(1) of this title, the Secretary shall set aside \$200,000,000 for obligation by the Secretary for projects for resurfacing, restoring, rehabilitating, and reconstructing any route or portion thereof on the Interstate

System (other than any highway designated as a part of the Interstate System under section 139 and any toll road on the Interstate System not subject to an agreement under section 119(e) of this title, as in effect on the day before the effective date of title I of the Intermodal Surface Transportation Infrastructure Act of 1991). Such funds shall be made available by the Secretary to any State applying for such funds, if the Secretary determines that—

(i) the State has obligated or demonstrates that it will obligate in the fiscal year all of its apportionments under section 104(b)(1) other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System which has been submitted by the State to the Secretary for approval; and

(ii) the applicant is willing and able to (I) obligate the funds within 1 year of the date the funds are made available, (II) apply them to a ready-to-commence project, and (III) in the case of construction work, begin work within 90 days of obligation.

(B) **PRIORITY CONSIDERATION FOR CERTAIN PROJECTS.**—In selecting projects to fund under subparagraph (A), the Secretary shall give priority consideration to any project the cost of which exceeds \$10,000,000 on any high volume route in an urban area or a high truck-volume route in a rural area.

(C) **PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.**—Sums made available pursuant to this paragraph shall remain available until expended.

* * * * *

§ 119. Interstate System resurfacing

[(a) The Secretary may approve projects for resurfacing, restoring, rehabilitating, and reconstructing routes on the Interstate System designated under sections 103 and 139(c) of this title and routes on the Interstate System designated before the date of enactment of this sentence under section 139(a) and (b) of this title; except that the Secretary may only approve a project pursuant to this subsection on a toll road if such road is subject to a Secretarial agreement provided for in subsection (e). Sums authorized to be appropriated for this section shall be out of the Highway Trust Fund and shall be apportioned in accordance with section 104(b)(5)(B) of this title. The Federal share for any project under this subsection shall be that set forth in section 120(c) of this title.]

[(b)] (a) **MAINTENANCE PROGRAM.**—Not later than one year after the date of issuance of initial guidelines under section 109(m) of this title each State shall have a program for the Interstate system in accordance with such guidelines. Each State shall certify on January 1st of each year that it has such a program and the Interstate systems is maintained in accordance with the program. If a State fails to certify as required or if the Secretary determines a State is not adequately maintaining the Interstate system in ac-

cordance with such program then the next apportionment of funds to such State for the Interstate system shall be reduced by amounts equal to 10 per centum of the amount which would otherwise be apportioned to such State under section 104 of this title. If, within one year from the date the apportionment for a State is reduced under this subsection, the Secretary determines that such State is maintaining the Interstate system in accordance with the guidelines the apportionment of such State shall be increased by an amount equal to the reduction. If the Secretary does not make such a determination within such one year period the amount so withheld shall be reapportioned to all other eligible States.

[(c) Reconstructing as authorized in subsection (a) of this section may include, but is not limited to, the addition of travel lanes and the construction and reconstruction of interchanges and overcrossings along existing completed interstate routes, including the acquisition of right-of-way where necessary.]

[(d)] (b) **TRANSFER OF INTERSTATE CONSTRUCTION APPORTIONMENTS.**—Upon application by a State (other than the State of Massachusetts) and approval by the Secretary, the Secretary may transfer to the apportionments to such State under section 104(b)(1) [or 104(b)(5)(B)] any amount of the funds apportioned to such State for any fiscal year under section 104(b)(5)(A) if such amount does not exceed the Federal share of the costs of construction of segments of the Interstate System open to traffic in such State (other than high occupancy vehicle lanes) included in the most recent interstate cost estimate. Upon transfer of such amount, the construction on which such amount is based on open-to-traffic segments of the Interstate System in such State as included in the latest interstate cost estimate shall be ineligible and shall not be included in future interstate cost estimates approved or adjusted under section 104(b)(5)(A).

(c) **MINIMUM EXPENDITURE FOR INTERSTATE MAINTENANCE.**—Of the amount apportioned to a State under section 104(b)(1) for any fiscal year beginning after September 30, 1991, such State shall obligate for interstate resurfacing, restoring, and rehabilitating not less than an amount equal to 70 percent of such State's apportionment under section 104(b)(5)(B) for fiscal year 1991.

[(e) **TOLL ROAD AGREEMENTS.**—

[(1) **REQUIREMENT.**—The Secretary may approve a project pursuant to subsection (a) on a toll road only if an agreement satisfactory to the Secretary has been reached with the State highway department and each public authority with jurisdiction over such toll road prior to the approval of such project that the toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against it, and the cost of maintenance and operation and debt service during the period of toll collections.

[(2) **TERMS.**—An agreement under this subsection shall contain—

[(A) a provision requiring that if, for any reason, a toll road receiving Federal assistance under this section does not become free to the public upon collection of sufficient tolls as specified in paragraph (1) of this subsection, Feder-

al funds used for projects on such toll road pursuant to this subsection shall be repaid to the Federal Treasury, and

[(B) a provision requiring that if such repayment does not equal or exceed Federal funds apportioned to a State by reason of including mileage on such toll road in an apportionment formula, the apportionment to the State shall be reduced by the amount needed to make the repayment equal the amount of such Federal apportionment.

[(3) TREATMENT OF SECTION 105 AGREEMENTS.—Any agreement entered into under section 105 of the Federal-Aid Highway Act of 1978 before the date of the enactment of this subsection shall be treated as an agreement entered into under this subsection.

[(f) TRANSFER OF FUNDS FOR PRIMARY SYSTEM PROJECTS.—

[(1) UPON CERTIFICATION ACCEPTANCE.—If a State certifies to the Secretary that any part of the sums apportioned to the State under section 104(b)(5)(B) of this title are in excess of the needs of the State for resurfacing, restoring, rehabilitating, or reconstructing Interstate System routes and the Secretary accepts such certification, the State may transfer such excess part to its apportionment under section 104(b)(1).

[(2) UNCONDITIONAL.—Notwithstanding paragraph (1), a State may transfer to its apportionment under section 104(b)(1) of this title—

[(A) in fiscal year 1987, an amount not to exceed 20 percent of the funds apportioned to the State under section 104(b)(5)(B) which are not obligated at the time of the transfer; and

[(B) in any fiscal year thereafter, an amount not to exceed 20 percent of the funds apportioned to the State under section 104(b)(5)(B) for such fiscal year.]

§ 120. Federal share payable

[(a) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system, the Federal-aid secondary system, and the Federal-aid urban system shall either (A) not exceed 75 per centum of the cost of construction, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area, or (B) not exceed 75 per centum of cost of construction, except that in the case of any State containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area, except that the Federal share payable on any project in a State shall not exceed 95 per centum of the total

cost of any such project. In any case where a State elects to have the Federal share provided in clause (B) of this subsection, the State must enter into an agreement with the Secretary covering a period of not less than one year, requiring such State to use solely for highway construction purposes (other than paying its share of projects approved under this title) during the period covered by such agreement the difference between the State's share as provided in clause (B) and what its share would be if it elected to pay the share provided in clause (A) for all projects subject to such agreement.

[(b) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with interstate funds on the Interstate System, authorized to be appropriated prior to June 29, 1956, shall not exceed 60 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area. The provisions of subsection (a) of this section shall apply to any project financed with funds authorized by the provisions of section 2 of the Federal-Aid Highway Act of 1952.

[(c) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project on the Interstate System provided for by funds made available under the provisions of section 108(b) of the Federal-Aid Highway Act of 1956 shall be increased to 90 per centum of the total cost thereof, plus a percentage of the remaining 10 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands therein, equal to the percentage that the area of such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of such project. Notwithstanding subsection (a) of this section, the Federal share payable on account of any project financed with primary funds on the Interstate System for resurfacing, restoring, rehabilitating, and reconstructing shall be the percentage provided in this subsection.

[(d) The Federal share payable on account of any project for the elimination of hazards of railway-highway crossings, as more fully described and subject to the conditions and limitations set forth in section 130 of this title, and for any project for traffic control signalization or for pavement marking or for commuter carpooling and vanpooling or for installation of traffic signs, highway lights, guardrails, or impact attenuators, may amount to 100 per centum of the cost of construction of such projects, except that not more than 75 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from sums apportioned in accordance with section 104 of this title: *Provided*, That not more than 10 per centum of all the sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsec-

tion. The Federal share payable on account of any project for traffic control signalization under section 103(e)(4) of this title may amount to 100 per centum of the cost of construction of such project.]

(a) *INTERSTATE SYSTEM PROJECTS.*—Except as otherwise provided in this chapter, the Federal share payable on account of any project on the Interstate System (including project to add high occupancy vehicle lanes but excluding a project to add any other lanes) shall be 90 percent of the total cost thereof, plus a percentage of the remaining 10 percent of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 percent of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area; except that such Federal share payable on any project in any State shall not exceed 95 percent of the total cost of such project.

(b) *OTHER FEDERAL-AID HIGHWAY PROJECTS.*—Except as otherwise provided in this chapter, the Federal share payable on account of any project or activity carried out under this chapter (other than a project subject to subsection (a)) and any project or activity financed under section 307(c) of this title shall be—

(1) 80 percent of the cost thereof, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 percent of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area; or

(2) 80 percent of the cost thereof, except that in the case of any State containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area;

except that the Federal share payable on any project in a State shall not exceed 95 percent of the total cost of any such project. In any case where a State elects to have the Federal share provided in paragraph (1) of this subsection, the State must enter into an agreement with the Secretary covering a period of not less than 1 year, requiring such State to use solely for highway construction purposes (other than paying its share of projects approved under this title) during the period covered by such agreement the difference between the State's share as provided in paragraph (2) and what its share would be if it elected to pay the share provided in paragraph (1) for all projects subject to such agreement.

[(e)] (c) The Secretary may rely on a statement from the Secretary of the Interior as to the area of the lands referred to in subsections (a) and (b) of this section. The Secretary of the Interior is authorized and directed to provide such statement annually.

[(f)] (d) *EMERGENCY RELIEF.*—The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title on account of any project

on a Federal-aid highway system, including the Interstate System, shall not exceed the Federal share payable on a project on such system as provided in subsections (a) and (c) of this section; except that (1) the Federal share payable for eligible emergency repairs to minimize damage, protect facilities, or restore essential traffic accomplished within [90] 180 days after the actual occurrence of the natural disaster or catastrophic failure may amount to 100 percent of the costs thereof; and (2) the Federal share payable on account of any repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads may amount to 100 percent of the cost thereof. The total cost of a project may not exceed the cost of repair or reconstruction of a comparable facility. As used in this section with respect to bridges and in section 144 of this title, "a comparable facility" shall mean a facility which meets the current geometric and construction standards required for the types and volume of traffic which such facility will carry over its design life.

[(g)] (e) The Secretary is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of Federal-aid highways within Indian reservations and national parks and monuments under the jurisdiction of the Department of the Interior and to pay the amount assumed therefor from the funds apportioned in accordance with section 104 of this title to the State wherein the reservations and national parks and monuments are located.

[(h)] (f) At the request of any State, the Secretary may from time to time enter into a agreement with such State to reimburse the State for the Federal share of the costs of preliminary and construction engineering at an agreed percentage of actual construction costs for each project, in lieu of the actual engineering costs for such project. The Secretary shall annually review each such agreement to insure that such percentage reasonably represents the engineering costs actually incurred by such State.

[(i)] (g) Notwithstanding any other provision of this section or of this title, the Federal share payable on account of any project under this title in the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands shall be 100 per centum of the total cost of the project.

[(j)] The Federal share payable on account of any project financed under section 307(c) of this title shall be 85 per centum, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of any such project.

[(k)] Notwithstanding any other provision of this section (other than subsection (j)), of this title, or of any other law, in any case where a state elects to use funds apportioned to it for any Federal-aid system for any project under sections 143 and 155 of this title

and for those priority primary routes under section 147 of this title designated in Committee Print Numbered 100-3 of the Committee on Public Works and Transportation of the House of Representatives, and for funds allocated under the provisions of section 155 of this title, and obligated subsequent to January 6, 1983, the Federal share payable on account of such project shall be 95 per centum of the cost thereof, unless—

[(1) such project is on land owned by the United States in which case the Federal share shall be 100 per centum of the cost of such project, or

[(2) a Federal share of the cost of the project greater than 95 per centum is specifically authorized by law.

[(1) Notwithstanding any other provision of this section, the Federal share payable on account of any project under this title to reconstruct, resurface, restore, and rehabilitate any highway which the Secretary determines, at the request of any State, is incurring a substantial use as a result of transportation activities to meet national energy requirements and will continue to incur such use is 85 per centum of the cost of such project.

[(m) GREAT RIVER ROAD PROJECTS—Notwithstanding any other provision of this section, this title, or any other law, in any case where a State elects to use funds apportioned to it for any Federal-aid system for any project under section 148 of this title, the Federal share payable on account of such project shall be 95 per centum of the cost thereof; except that if a State requests that the Federal share payable on account of such project be a percentage of the cost of such project which is less than 95 percent but not less than 75 percent, such percentage shall be the Federal share payable on account of such project.

[(n)] (h) INCREASED NON-FEDERAL SHARE—Notwithstanding any other provision of this title and subject to such criteria as the Secretary may establish, a State may contribute an amount in excess of the non-Federal share of a project under this title so as to decrease the Federal share payable on such project.

* * * * *

§ 125. Emergency relief

(a) * * *

(b) The Secretary may expend funds from the emergency fund herein authorized for the repair or reconstruction of highway on the Federal-aid highway systems, including the Interstate System, in accordance with the provisions of this chapter: *Provided*, That (1) obligations for projects under this section, including those on highways, roads, and trails mentioned in subsection (c) of this section, resulting from a single natural disaster or a single catastrophic failure in a State shall not exceed \$100,000,000, and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not exceed **[\$5,000,000]** **\$20,000,000**. Notwithstanding any provision of this chapter actual and necessary costs of maintenance and operation of ferryboats providing temporary substitute highway traffic service, less the amount of fares charged, may be expended from the emergency

fund herein authorized on the Federal-aid highway systems, including the Interstate System. Except as to highways, roads, and trails mentioned in subsection (c) of this section, no funds shall be so expended unless the Secretary has received an application therefor from the State highway department, and unless an emergency has been declared by the Governor of the State and concurred in by the Secretary, except that if the President has declared such emergency to be a major disaster for the purposes of the Disaster Relief and Emergency Assistance Act (Public Law 93-288) concurrence of the Secretary is not required.

* * * * *

§ 127. Vehicle weight limitations—Interstate System

(a) IN GENERAL.—No [funds authorized to be appropriated for any fiscal year under provisions of the Federal-Aid Highway Act of 1956 shall be apportioned] *funds shall be apportioned in any fiscal year under section 104(b)(1) of this title* to any State which does not permit the use of the National System of Interstate and Defense Highways within its boundaries by vehicles with a weight of twenty thousand pounds carried on any one axle, including enforcement tolerances, or with tandem axle weight of thirty-four thousand pounds, including enforcement tolerances, or a gross weight of at least eighty thousand pounds for vehicle combinations of five axles or more. However, the maximum gross weight to be allowed by any State for vehicles using the National System of Interstate and Defense Highways shall be twenty thousand pounds carried on one axle, including enforcement tolerances, and a tandem axle weight of thirty-four thousand pounds, including enforcement tolerances and with an overall maximum gross weight, including enforcement tolerances, on a group of two or more consecutive axles produced by application of the following formula:

$$W = 500 \left(\frac{LN}{N1} + 12N + 36 \right)$$

where W equals overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles, and N equals number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is (1) thirty-six feet or more, or (2) in the case of a motor vehicle hauling any tank trailer, dump trailer, or ocean transport container before September 1, 1989, is 30 feet or more: *Provided*, That such overall gross weight may not exceed eighty thousand pounds, including all enforcement tolerances, except for those vehicles and loads which cannot be easily dismantled or divided and which have been issued special permits in accordance with applicable State laws, or the corresponding maxi-

mum weights permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956 except in the case of the overall gross weight of any group of two or more consecutive axles on any vehicle (other than a vehicle comprised of a motor vehicle hauling any tank trailer, dump trailer, or ocean transport container on or after September 1, 1989), on the date of enactment of the Federal-Aid Highway Amendments of 1974, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse if not released and obligated within the availability period specified in section 118(b)(1) of this title. **[This]** *Subject to subsection (d) of this section, this section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof which the State determines could be lawfully operated within such State on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974. With respect to State of Hawaii, laws or regulations in effect on February 1, 1960, shall be applicable for the purposes of this section in lieu of those in effect on July 1, 1956. With respect to the State of Michigan, laws or regulations in effect on May 1, 1982, shall be applicable for the purposes of this subsection.*

* * * * *

(d) LONGER COMBINATION VEHICLES.—

(1) *PROHIBITION.—Except as otherwise provided in this subsection, a State may not allow a longer combination vehicle to be operated on the Interstate System within its boundaries without having its apportionment of funds withheld under subsection (a).*

(2) *CONTINUATION OF LCVS LAWFULLY OPERATED ON JUNE 1, 1991.—A State may continue to allow to be operated on the Interstate System within its boundaries longer combination vehicles with a longer combination vehicle configuration and maximum gross vehicle weight—*

(A)(i)(I) *if the State determined, on or before June 1, 1991, that longer combination vehicles with such configuration and weight could lawfully be operated on such System pursuant to a State statute or regulation in effect on June 1, 1991; and*

(II) *if longer combination vehicles with such configuration and weight were in lawful operation on a regular or periodic basis (including seasonal operation or operation pursuant to a permit issued by the State) on such System on or before June 1, 1991; or*

(ii) *if longer combination vehicles with such configuration and weight were in lawful operation on a regular or periodic basis on such System on or before June 1, 1991, pursuant to section 335 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (104 Stat. 2186); and*

(B) if all operations of longer combination vehicles with such configuration and weight on the Interstate System continue to be subject, at a minimum, to all State statutes, regulations, limitations, and conditions (including routing-specific and configuration-specific designations and all other restrictions) in effect on June 1, 1991; expect that, subject to the guidelines established by the Secretary under paragraph (6), the State may make minor adjustments to routing-specific designations and vehicle operation restrictions in effect on June 1, 1991, for safety purposes and for road construction purposes.

(3) **WYOMING.**—In addition to vehicles which the State of Wyoming may continue to allow to be operated under paragraph (2), such State may allow longer combination vehicles with longer combination vehicle configurations not in actual operation on June 1, 1991, to be operated on the Interstate System within its boundaries by enactment of a State law on or before November 3, 1992—

(A) if the gross vehicle weight of the longer combination vehicle with such configuration does not exceed 117,000 pounds;

(B) if the longer combination vehicle with such configuration complies with the single axle, tandem axle, and bridge formula limits set forth in subsection (a); and

(C) if such State notifies the Secretary of the enactment of such law before the 30th day following the date of such enactment.

The Secretary shall publish a notice of the enactment of such law in the Federal Register.

(4) **ADDITIONAL STATE RESTRICTIONS.**—Nothing in this subsection shall prevent any State from further restricting in any manner or prohibiting the operation of longer combination vehicles otherwise authorized under this subsection except that such restrictions or prohibitions shall be consistent with the requirements of sections 411, 412, and 416 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311, 2312, and 2316). Any State which further restricts or prohibits the operations of longer combination vehicles or makes minor adjustments pursuant to the exception set forth in paragraph (2)(B) shall notify the Secretary of the restriction, prohibition, or adjustment before the 30th day following the date of the action resulting in the restriction, prohibition, or adjustment, and the Secretary shall publish a notice of the restriction, prohibition, or adjustment in the Federal Register.

(5) **PUBLICATION OF STATE LAWS.**—

(A) **STATE LISTS.**—Not later than 90 days after the effective date of this subsection, each State shall file, in writing, with the Secretary a complete list of those State statutes, regulations, limitations, and conditions (including routing-specific and configuration-specific designations and all other restrictions) governing only the operation of longer combination vehicles. If the State does not file such list by such 90th day, the Secretary shall complete and file such

list for the State not later than the 120th day following such effective date.

(B) **CERTIFICATION.**—Not later than 90 days after the effective date of this subsection, each State interested in continuing to allow longer combination vehicles to be operated under paragraph (2) shall submit to the Secretary a written certification that the requirements of paragraph (2)(A)(i) or (2)(A)(ii), as the case may be, were complied with.

(C) **PUBLICATION.**—Not later than 150 days after the effective date of this subsection, the Secretary shall publish in the Federal Register the lists filed under subparagraph (A).

(D) **Review of certification.**—After publication under subparagraph (C), the Secretary shall review State certifications made under subparagraph (B) and may commence, on the Secretary's own initiative or pursuant to a challenge by any person, a proceeding to determine whether or not a certification made under subparagraph (B) made with regard to paragraph (2)(A)(i) or (2)(A)(ii) is inaccurate. In such proceeding, the State shall have the burden of proof to show that the certification is accurate. If the Secretary determines that the State certification is inaccurate, the Secretary shall amend the publication under subparagraph (C) to reflect the determination of the Secretary.

(E) **LIMITATION.**—No statute or regulation shall be included on the lists published by the Secretary under this paragraph merely on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of longer combination vehicles, not in actual operation on a regular or periodic basis on or before June 1, 1991.

(F) **FINALITY.**—Except as modified pursuant to paragraphs (2)(B), (3), and (4) and subparagraph (D) of this paragraph, the lists published under this paragraph shall become final on the 30th day following the date of their publication in the Federal Register and, thereafter, longer combination vehicles may not be operated on the Interstate System except as provided in the laws and regulations on the lists and as modified pursuant to such paragraphs.

(6) **REGULATIONS REGARDING CERTAIN MINOR ADJUSTMENTS.**—Not later than 180 days after the effective date of this subsection, the Secretary shall issue regulations establishing guidelines for States to follow in making minor adjustments under paragraph (2)(B).

(7) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this subsection shall be construed to allow the operation on any segment of the Interstate System of any commercial motor vehicle prohibited under section 411(j) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(j)).

(8) **CONTINUATION OF APPLICABILITY OF SUBSECTION (A).**—If a State allows a longer combination vehicle to be operated on the Interstate System within its boundaries in violation of this subsection, the State shall have its apportionment of funds withheld under subsection (a).

(9) *LONGER COMBINATION VEHICLE DEFINED.*—For purposes of this subsection, the term "longer combination vehicle" means any combination of a truck tractor and 2 or more trailers or semitrailers which operate on the Interstate System at a gross vehicle weight greater than 80,000 pounds.

(e) *OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON INTERSTATE ROUTE 68.*—The single axle, tandem axle, and bridge formula limits set forth in subsection (a) shall not apply to the operation on Interstate Route 68 in Garrett and Allegany Counties, Maryland, of any specialized vehicle equipped with a steering axle and a tridem axle and used for hauling coal and logs if such vehicle is of a type of vehicle as was operating in such counties on United States Route 40 or 48 for such purpose in calendar year 1991.

* * * * *

§ 129. Toll roads, bridges, tunnels, and ferries

[(a) Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation, on the same basis and in the same manner as in the construction of free highways under this chapter, in the construction of any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this section. Such bridge, tunnel, or approach thereto, must be publicly owned and operated. Federal funds may participate in the approaches to a toll bridge or toll tunnel whether such bridge or tunnel is to be or has been constructed, or acquired, by the State or other public authority. The State highway department or departments must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

[(1) all tolls received from the operation of the bridge or tunnels, less the actual cost of such operation and maintenance, shall be applied to the repayment to the State or other public authority of all of the costs of construction or acquisition of such bridge or tunnel, except that part which was contributed by the United States;

[(2) no tolls shall be charged for the use of such bridge or tunnel after the State or other public authority shall have been so repaid; and

[(3) after the date of final repayment, the bridge or tunnel shall be maintained or operated as a free bridge or free tunnel; except in the case of a bridge which connects the United States with any foreign country. *Provided*, That such tolls or charges do not exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management: *And further provided*, That the entity or governmental instrumentality responsible for the operation of the portion of the bridge within the jurisdiction of the foreign country is charging tolls for the use of the bridge.

[(b) Upon a finding by the Secretary that such action will promote the development of an integrated Interstate System, the Secretary is authorized to approve as part of the Interstate System any toll road, bridge or tunnel, now or hereafter constructed which meets the standards adopted for the improvement of projects locat-

ed on the Interstate System when such toll road, bridge or tunnel is located on a route heretofore or hereafter designated as a part of the Interstate System. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll road, except to the extent permitted by law after June 29, 1956. When any such toll road which the Secretary has approved as a part of the Interstate System is made a toll-free facility, Federal-aid highway funds apportioned under section 104(b)(5) of this title may be expended for the construction, reconstruction, or improvement of that road to meet the standards adopted for the improvement of projects located on the Interstate System. No Federal-aid highway funds shall be expended for the construction, reconstruction or improvement of any such toll bridge or tunnel, except to the extent permitted by law on or after June 29, 1956. After June 30, 1968, all agreements between the Secretary and a State highway department for the construction of projects on the Interstate System shall contain a clause providing that no toll road will be constructed after June 30, 1968, on the interstate highway route involved without the official concurrence of the Secretary. The Secretary shall not concur in any such construction unless he makes an affirmative finding that, under the particular circumstances existing, the construction of such road as a toll facility rather than a toll-free facility is in the public interest. The preceding two sentences shall not apply to any toll bridge or toll tunnel.

[(c) Funds authorized for expenditure on any of the Federal-aid highway systems, including the Interstate System, shall be available for expenditure on projects approaching any toll road, bridge or tunnel to a point where such project will have some use irrespective of its use for such toll road, bridge or tunnel.

[(d) Funds authorized for the Interstate System shall be available for expenditure on Interstate System projects approaching any toll road on the Interstate System, although the project has no use other than an approach to such toll road, if an agreement satisfactory to the Secretary has been reached with the State prior to the approval of such project—

[(1) that the section of toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against such section of toll road covered in the agreement and their maintenance and operation and debt service during the period of toll collections, and

[(2) that there is one or more reasonably satisfactory alternate free routes available to traffic by which the toll section of the system may be bypassed.

[(e) Notwithstanding the provisions of subsection (b) of this section, the Secretary may permit Federal participation in the reconstruction and improvement of any toll road providing for only two lanes of traffic, which is designated part of the Interstate System as he may find necessary to bring such two lane toll road to the geometric and construction standards for the Interstate System in order to provide for the safe use of such highway as part of the Interstate System and to facilitate the removal of tolls therefrom. Federal participation in such reconstruction and improvement shall be on the same basis and in the same manner as in the con-

struction of free Interstate System highways under this chapter. No Federal participation shall be permitted pursuant to this subsection except on two lane toll roads which were designated as a part of the Interstate System on or before June 30, 1973. Before Federal participation under this subsection, the State highway department and the toll road authority involved shall enter into an agreement with the Secretary which shall provide that—

[(1) no indebtedness which is to be liquidated by the collection of tolls (in addition to indebtedness in existence on date of enactment in this subsection) shall be incurred after the date of enactment of this subsection;

[(2) all tolls received from the operation of the toll road, less the actual cost of such operation and maintenance, shall be applied to the repayment of only those bonds outstanding on the date of enactment of this subsection constituting a valid lien against such toll road and its maintenance and operation and debt service during the period of toll collection;

[(3) the toll road shall become free to the public upon collection of tolls sufficient to liquidate all such bonds.]

(a) **BASIC PROGRAM.**—

(1) **AUTHORIZATION FOR FEDERAL PARTICIPATION.**—Notwithstanding section 301 of this title and subject to the provisions of this section, the Secretary shall permit Federal participation in—

(A) initial construction of a toll highway, bridge, or tunnel (other than a highway, bridge, or tunnel on the Interstate System) or approach thereto;

(B) reconstructing, resurfacing, restoring, and rehabilitating a toll highway, bridge, or tunnel (including a toll highway, bridge, or tunnel subject to an agreement entered into under this section or section 119(e) as in effect on the day before the effective date of title I of the Intermodal Surface Transportation Act of 1991) or approach thereto;

(C) reconstruction or replacement of a toll-free bridge or tunnel and conversion of the bridge or tunnel to a toll facility;

(D) reconstruction of a toll-free Federal-aid highway (other than a highway on the Interstate System) and conversion of the highway to a toll facility if such reconstruction will result in the addition of 2 or more lanes to the highway and if, after such reconstruction and conversion, the highway will be fully access controlled; and

(E) preliminary studies to determine the feasibility of a toll facility for which Federal participation is authorized under subparagraph (A), (B), (C), or (D);

on the same basis and in the same manner as in the construction of free highways under this chapter.

(2) **OWNERSHIP.**—Each highway, bridge, tunnel, or approach thereto constructed under this subsection must—

(A) be publicly owned, or

(B) be privately owned if the public authority having jurisdiction over the highway, bridge, tunnel, or approach has entered into a contract with a private person to design, finance, construct, and operate the facility and the public

authority will be responsible for complying with all applicable requirements of this title with respect to the facility.

(3) **LIMITATIONS ON USE OF REVENUES.**—Before the Secretary may permit Federal participation under this subsection in construction of a highway, bridge, or tunnel located in a State, the public authority (including the State highway department) having jurisdiction over the highway, bridge, or tunnel must enter into an agreement with the Secretary which provides that, until repayment of all non-Federal debt incurred with respect to such construction (including debt service), all toll revenues received from operation of the toll facility will be used only on the toll facility and only for repayment of such debt and for the costs necessary for the proper operation, maintenance, and debt service of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation. Thereafter the toll revenues may, in addition, be used for any purpose for which Federal funds may be obligated by a State under this title.

(4) **SPECIAL RULE FOR FUNDING.**—In the case of a toll highway, bridge, or tunnel under the jurisdiction of a public authority of a State (other than the State highway department), upon request of the State highway department and subject to such terms and conditions as such department and public authority may agree, the Secretary shall reimburse such public authority for the Federal share of the costs of construction of the project carried out on the toll facility under this subsection in the same manner and to the same extent as such department would be reimbursed if such project was being carried out by such department. The reimbursement of funds under this paragraph shall be from sums apportioned to the State under this chapter and available for obligations on projects on the Federal-aid system in such State on which the project is being carried out.

(5) **LIMITATION ON FEDERAL SHARE.**—The Federal share payable for construction of a highway, bridge, tunnel, ferry, or approach thereto or conversion of a highway, bridge, or tunnel to a toll facility under this subsection shall be such percentage as the State determines but not to exceed 35 percent.

(6) **MODIFICATIONS.**—If a public authority (including a State highway department) having jurisdiction over a toll highway, bridge, or tunnel subject to an agreement under this section or section 119(e) as in effect on the day before the effective date of title I of the Intermodal Surface Transportation Infrastructure Act of 1991 requests modification of such agreement, the Secretary shall modify such agreement to allow the continuation of tolls in accordance with paragraph (3) without repayment of Federal funds.

(7) **INITIAL CONSTRUCTION DEFINED.**—For purposes of this subsection, the term "initial construction" means the construction of a highway, bridge, or tunnel at any time before it is open to traffic and does not include any improvement to a highway, bridge, or tunnel after it is open to traffic.

[(f)] (b) Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation under this title in the construction of a project constituting an approach to a ferry, whether toll or free, the route of which has been approved

under section 103 (b) or (c) of this title as a part of one of the Federal-aid systems and has not been designated as a route on the Interstate System. Such ferry may be either publicly or privately owned and operated, but the operating authority and the amount of fares charged for passage shall under the control of a State agency or official, and all revenues derived from publicly owned or operated ferries shall be applied to payment of the cost of construction or acquisition thereof, including debt service, and to actual and necessary costs of operation, maintenance, repair, and replacement.

[(g)] (c) Notwithstanding section 301 of this title, the Secretary may permit Federal participation under this title in the construction of ferry boats, whether toll or free, subject to the following conditions:

(1) It is not feasible to build a bridge, tunnel, combination thereof, or other normal highway structure in lieu of the use of such ferry.

(2) The operation of the ferry shall be on a route which has been approved under section 103 (b) or (c) of this title as a part of one of the Federal-aid systems within the State and has not been designated as a route on the Interstate System.

(3) Such ferry shall be publicly owned **[and operated]**.

(4) The operating authority and the amount of fares charged for passage on such ferry shall be under the control of the State, and all revenues derived therefrom shall be applied to actual and necessary costs of operation, maintenance, and repair.

(5) Such ferry may be operated only within the State (including the islands which comprise the State of Hawaii and the islands which comprise the Commonwealth of Puerto Rico) or between adjoining States. Except with respect to operations between the islands which comprise the State of Hawaii and operations between the islands which comprise the Commonwealth of Puerto Rico and operations between any two points in Alaska and between Alaska and Washington, including stops at appropriate points in the Dominion of Canada, no part of such ferry operations shall be in any foreign or international waters.

(6) No such ferry shall be sold, leased, or otherwise disposed of without the approval of the Secretary. The Federal share of any proceeds from such a disposition shall be credited to the unprogrammed balance of Federal-aid highway funds of the same class last apportioned to such State. Any amounts so credited shall be in addition to all other funds then apportioned to such State and available for expenditure in accordance with the provisions of this title.

[(h)] Notwithstanding the provisions of section 301 of this title, in the case of each State which, before January 1, 1975, shall have constructed or acquired any interstate toll bridge (including approaches thereto), which before January 1, 1975, caused such toll bridge to be made free, which bridge is owned and maintained by such State or by a political subdivision thereof, and which bridge is on the Federal-aid primary system (other than the Interstate System), sums apportioned to such State in accordance with para-

graphs (1) and (3) of subsection (b) of section 104 of this title shall be available to pay the Federal share of a project under this subsection of (1) such amount as the Secretary determines to be the reasonable value of such bridge after deducting therefrom that portion of such value attributable to any grant or contribution previously paid by the United States in connection with the construction or acquisition of such bridge, and exclusive of rights-of-way, or (2) the amount by which the principal amount of the outstanding unpaid bonds or other obligations created and issued for the construction or acquisition of such bridge exceeds the amount of any funds accumulated or provided for their amortization, on the data such bridge is made free, whichever is the lesser amount.

[(i) Notwithstanding section 301 of this title, the Secretary may permit Federal participation, through funds for any Federal-aid system other than the Interstate System, in any engineering and fiscal assessments, traffic analyses, network studies, preliminary modification planning, and any other study necessary to determine whether a privately owned toll bridge should be acquired by a State or political subdivision thereof.

[(j)] (d) PILOT PROGRAM.—

(1) AUTHORIZATION FOR FEDERAL PARTICIPATION.—Subject to the provisions of this subsection, the Secretary shall establish a pilot program which permits Federal participation in 7 toll facilities on the same basis and in the same manner as in the construction of free highways under this chapter.

* * * * *

[(k) BIENNIAL CERTIFICATION.—

[(1) TO GOVERNOR.—Each operator of toll roads, toll tunnels, toll ferries, and toll bridges, (other than an international toll facility or toll facility subject to an agreement under this section or section 119(e) of this title) on a Federal-aid system in a State shall biennially certify to the Governor of the State that such facilities are adequately maintained and that the operator of such toll facility has the ability to fund the replacement or repair of any such facilities that are not adequately maintained without using Federal-aid highway funds. Failure to certify shall preclude Federal funding out of the Highway Trust Fund of any facilities owned or operated by the operator of such toll facility.

[(2) REPORT TO SECRETARY.—The Governor of each State shall report biennially to the Secretary on the toll facilities subject to paragraph (1) of this subsection with respect to which a certification has been made in accordance with paragraph (1) and those with respect to which such a certification has not been made. If funds from the Highway Trust Fund are used to repair or replace toll facilities with respect to which such a certification has or has not been made, the apportionments to such State for the following fiscal year under section 104 of this title shall be reduced by the amount of Highway Trust Fund moneys expended on such facilities; except that such reduction shall not be made if the State has executed under this section or section 119(e) of this title an agreement with the Secretary covering such toll facilities.]

[§ 130. Railway-highway crossings

[(a) Except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, the entire cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from sums apportioned in accordance with section 104 of this title. In any case when the elimination of the hazards of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project, except as provided in subsection (d) of section 120 of this title and subsection (b) of this section, may be paid from sums apportioned in accordance with section 104 of this title.

[(b) The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad or railroads for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 per centum. The Secretary shall determine the appropriate classification of each project.

[(c) Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this title, or prior Acts, shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to subsection (b) of this section. Such liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such project. If any such railroad fails to discharge such liability within a six-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

[(d) **SURVEY AND SCHEDULE OF PROJECTS.**—Each state shall conduct and systematically maintain a survey of all highways to identify those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose. At a minimum, such a schedule shall provide signs for all railway-highway crossings.

[(e) FUNDS FOR PROTECTIVE DEVICES.—At least $\frac{1}{2}$ of the funds authorized for and expended under this section shall be available for the installation of protective devices at railway-highway crossings. Sums authorized to be appropriated to carry out this section shall be available for obligation in the same manner as funds apportioned under section 104(b)(1) of this title.

[(f) APPORTIONMENT.—Twenty-five percent of the funds authorized to be appropriated to carry out this section shall be apportioned to the States in the same manner as sums are apportioned under section 104(b)(2) of this title, 25 percent of such funds shall be apportioned to the States in the same manner as sums are apportioned under section 104(b)(6) of this title, and 50 percent of such funds shall be apportioned to the States in the ratio that total railway-highway crossings in each State bears to the total of such crossings in all States. The Federal share payable on account of any project financed with funds authorized to be appropriated to carry out this section shall be 90 percent of the cost thereof.

[(g) ANNUAL REPORT.—Each State shall report to the Secretary not later than December 30 of each year on the progress being made to implement the railway-highway crossings program authorized by this section and the effectiveness of such improvements. Each State report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than April 1 of each year, on the progress being made by the State in implementing projects to improve railway-highway crossings. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (d) and include recommendations for future implementation of the railroad highway crossings program.

[(h) USE OF FUNDS FOR MATCHING.—Funds authorized to be appropriated to carry out this section may be used to provide a local government with funds to be used on a matching basis when State funds are available which may only be spent when the local government produces matching funds for the improvement of railway-highway crossings.]

§ 130. Combined highway safety improvement program

(a) SURVEY.—Each State shall—

(1) conduct and systematically maintain an engineering survey of all highways—

(A) to identify hazardous locations, sections, and elements, including roadside obstacles and unmarked or poorly marked highways, which may constitute a danger to motorists and pedestrians; and

(B) to identify those railroad crossings which may require separation, relocation, or protective devices;

(2) assign priorities for the correction of such locations, sections, and elements; and

(3) establish and implement a schedule of projects for improvements so identified.

At a minimum, such a schedule shall provide signs for all railway-highway crossings.

(b) **PROJECTS.**—The Secretary may approve as projects under this section any highway safety improvement project and any project for the elimination of hazards of railway-highway crossings.

(c) **LIMITATION TO NON-INTERSTATE HIGHWAYS.**—Funds authorized to carry out this section shall be available for expenditure on any public road (other than a highway on the Interstate System).

(d) **FEDERAL SHARE.**—The Federal share payable on account of any project under this section shall be 80 percent of the cost thereof.

(e) **SPECIAL RULES FOR RAILWAY-HIGHWAY CROSSINGS.**—

(1) **CLASSIFICATION OF PROJECTS.**—The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad or railroads for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 percent. The Secretary shall determine the appropriate classification of each project.

(2) **LIABILITY.**—

(A) **TO UNITED STATES.**—Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this title shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to paragraph (1) of this subsection.

(B) **DISCHARGE.**—The liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such project.

(C) **ENFORCEMENT.**—If any railroad fails to discharge its liability under this paragraph within a 6-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against the railroad for the recovery of the amount for which it is liable under this paragraph. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

(f) **APPORTIONMENT.**—Subject to subsection (i), 12.5 percent of the funds authorized to be appropriated to carry out this section shall be apportioned to the States in the same manner as sums were apportioned under section 104(b)(2) of this title in fiscal year 1991, 12.5 percent of such funds shall be apportioned to the States in the same manner as sums were apportioned under section 104(b)(6) of this title in fiscal year 1991, 25 percent of such funds shall be apportioned to the States in the ratio that total railway-highway crossings in each State bears to the total of such crossings in all States, and 50 percent of such funds shall be apportioned to the States in the same manner as sums were apportioned under section 402(e) of this title.

(g) **FUNDS FOR PROTECTIVE DEVICES.**—At least $\frac{1}{4}$ of the funds authorized for and expended under this section shall be available for the installation of protective devices at railway-highway crossings.

(h) **OBLIGATION OF FUNDS.**—

(1) **IN GENERAL.**—Funds authorized to be appropriated carry out this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under section 104(b)(1), except that the Secretary is authorized to waive provisions the Secretary deems inconsistent with the purposes of this section.

(2) **LIMITATION.**—From funds apportioned to a State under this section in fiscal year, the State shall obligate an amount for elimination of rail-highway crossings and an amount for highway safety improvement projects which is not less than the amount of funds apportioned to the State in fiscal year 1991 under this section and section 152, respectively.

(i) **SET-ASIDES.**—

(1) **OPERATION LIFE SAVER PROGRAM.**—Before making an apportionment of funds under subsection (f) for fiscal year, the Secretary shall set-aside \$300,000 of the funds authorized to be appropriated to carry out this section for such fiscal year carry out a public information and educational program to help prevent and reduce motor vehicle accidents, injuries, and fatalities and to improve driver performance at railway-highway crossings.

(2) **RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.**—Before making an appointment of funds under subsection (f) for a fiscal year, the Secretary shall set-aside 10,000,000 of the funds authorized to be appropriated to carry out this section for such fiscal year for elimination of hazards of railway-highway crossings in not to exceed 5 railway corridors selected by the Secretary in accordance with such criteria as the Secretary may establish by regulation. Such a corridor (A) must include rail lines where railroad speeds of 90 miles per hour are occurring or are expected to occur in the future and where substantial rail passenger service is provided, and (B) may not exceed 460 miles in length.

(j) **USE OF FUNDS BY LOCAL GOVERNMENTS.**—Funds authorized to be appropriated to carry out this section may be used to provide a local government with funds to be used on a matching basis when State funds are available which may only be spent when the local

government produces matching funds for the improvement of railway-highway crossings.

(k) **EVALUATION PROCESS FOR HIGHWAY SAFETY PROJECTS.**—Each State shall establish an evaluation process approved by the Secretary, to analyze and assess results achieved by highway safety improvement projects carried out in accordance with procedures and criteria established by this section. Such evaluation process shall develop cost-benefit data for various types of corrections and treatments which shall be used in setting priorities for highway safety improvement projects.

(l) **ANNUAL REPORTS.**—

(1) **TO CONGRESS.**—

(A) **IN GENERAL.**—Not later than December 30 of each year, each State shall report to the Secretary on the progress being made to implement the objectives of this section and the effectiveness of the programs being carried out under this section.

(B) **CONTENTS.**—Each State report shall contain an assessment of the cost of the various treatments employed under this section, the safety benefits derived from, and the previous and subsequent accident experience at improved locations.

(2) **TO COMMITTEES.**—

(A) **IN GENERAL.**—Not later than April 1 of each year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the progress being made by the States in implementing projects under this section (including projects for pavement marking).

(B) **CONTENTS.**—The report under this paragraph shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, means and methods used, and the previous and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a) and include recommendations for future implementation of programs under this section.

(m) **STATE DEFINED.**—For the purposes of this section, the term "State" as used with respect to highway safety improvement projects has the meaning such term has under section 401 of this title.

§ 131. Control of outdoor advertising

(a) * * *

* * * * *

(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed \$20,000,000 for the fiscal year ending June 30, 1966, not to exceed \$20,000,000 for the fiscal year ending June 30, 1967, not to exceed \$2,000,000 for the fiscal year ending June 30, 1970, not to exceed \$27,000,000 for the fiscal year

ending June 30, 1971, not to exceed \$20,500,000 for the fiscal year ending June 30, 1972, and not to exceed \$50,000,000 for the fiscal year ending June 30, 1973. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967. Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, a State may use any funds apportioned to it under section 104 of this title for removal of any sign, display, or device lawfully erected which does not conform to this section.

* * * * *

(r) **REMOVAL OF ILLEGAL SIGNS.**—

(1) **BY OWNERS.**—Any sign, display, or device along the Interstate System or the Federal-aid primary system which was not lawfully erected, shall be removed by the owner of such sign, display, or device not later than the 90th day following the date of the enactment of this subsection.

(2) **BY STATES.**—If any owner does not remove a sign, display, or device in accordance with paragraph (1), the State within the borders of which the sign, display, or device is located shall remove the sign, display, or device. The owner of the removed sign, display, or device shall be liable to the State for the costs of such removal. Effective control under this section includes compliance with the first sentence.

(s) **SCENIC BYWAY PROHIBITION.**—If a State has a scenic byway program, the State may not allow the erection along any highway on the Interstate System or Federal-aid primary system which before, on, or after the date of the enactment of this subsection, is designated as a scenic byway under such program of any sign, display, or device which is not in conformance with subsection (c) of this section. Control of any sign, display or device on such a highway shall be in accordance with this section.

(t) **PRIMARY SYSTEM DEFINED.**—For purposes of this section, the terms "primary system" and "Federal-aid primary system" mean the Federal-aid primary system in existence on June 1, 1991 and any highway which is not on such system but which is designated to the National Highway System.

* * * * *

§ 133. Stat flexible program

(a) **ESTABLISHMENT.**—The Secretary shall establish a flexible program under which a State may expend funds apportioned to it under section 104(b)(3) for carrying out any project or activity for which Federal funds may be obligated under this title.

(b) **APPLICABILITY OF OTHER PROVISIONS OF TITLE 23.**—All applicable provisions of this title (including Federal share) which apply with respect to a project or activity carried out under this title shall apply to such a project or activity when carried out by a State with funds apportioned to it under the flexible program.

(c) **NONATTAINMENT AREA REQUIREMENT.**—If a State includes a nonattainment area for transportation-related pollutants under the

Clean Air Act, the State shall expend a percentage of the funds apportioned to it under section 104(b)(3) for carrying out in such non-attainment areas any project or activity for which Federal funds may be obligated under this title. The percentage required to be expended in such nonattainment areas shall equal the percentage of the population of the State residing in such nonattainment areas but not to exceed 50 percent.

(d) PROJECT APPROVAL.—Any project or activity which a State intends to carry out with funds apportioned to it under the flexible program shall be subject to approval by the Secretary in accordance with the program of projects approval process of section 105.

(e) MAINTENANCE OF EFFORT.—No Federal funds expended by a State from funds apportioned to it under the flexible program shall be counted as expenditures for a State for purposes of any maintenance of effort requirement of this title.

[§ 134. Transportation planning in certain urban areas

[(a) It is declared to be in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective, the Secretary shall cooperate with the State and local officials in the development of transportation plans and programs, which are formulated on the basis of transportation needs with due consideration to comprehensive long-range land use plans, development objectives, and overall social, economic, environmental, system performance, and energy conservation goals and objectives, and with due consideration to their probable effect on the future development of urban areas of more than fifty thousand population. The planning process shall include an analysis of alternative transportation system management and investment strategies to make more efficient use of existing transportation facilities. The process shall consider all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate based on the complexity of the transportation problems. After July 1, 1965, the Secretary shall not approve under section 105 of this title any program for projects in any urban area of more than fifty thousand population unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by States and local communities in conformance with the objectives stated in this section. No highway project may be constructed in any urban area of fifty thousand population or more unless the responsible public officials of such urban area in which the project is located have been consulted and their views considered with respect to the corridor, the location, and design of the project.

[(b)(1) Within one year after enactment of this subsection, in the absence of State law to the contrary, units of general purpose local government within an urbanized area or contiguous urbanized areas for which a metropolitan planning organization has been designated prior to the enactment of this subsection, may by agreement of at least 75 per centum of the units of general purpose local government representing at least 90 per centum of the population of such urbanized area or areas, and in cooperation with the Gover-

nor, redesignate as the metropolitan planning organization any representative organization.

[(2) Except as provided in paragraph (1), after the date of enactment of this subsection designations of metropolitan planning organizations shall be by agreement among the units of general purpose local government and the Governor.

[(c) The Secretary may define those contiguous interstate areas of the Nation in which the movement of persons and goods between principal metropolitan areas, cities, and industrial centers has reached, or is expected to reach, a critical volume in relation to the capacity of existing and planned transportation systems to efficiently accommodate present transportation demands and future growth. After consultation with the Governors and responsible local officials of affected States, the Secretary may by regulation designate, for administrative and planning purposes, as a critical transportation region or a critical transportation corridor each of those areas which he determines most urgently require the accelerated development of transportation systems embracing various modes of transport, in accordance with purposes of this section. The Secretary shall immediately notify such Governors and local officials of such designation. The Secretary may, after consultation with the Governors and responsible local officials of the affected States, provide by regulation for the establishment of planning bodies to assist in the development of coordinated transportation planning, including highway planning, to meet the needs of such regions or corridors, composed of representatives of the affected States and metropolitan areas, and may provide assistance including financial assistance to such bodies. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated not to exceed \$500,000 to carry out this subsection.

[§ 135. Traffic operations improvement programs

[(a) The Congress hereby finds and declares it to be in the national interest that each State shall have a continuing program designated to reduce traffic congestion and facilitate the flow of traffic.

[(b) The Secretary may approve under this section any project for improvements on any public road which project will directly facilitate and control traffic flow on any of the Federal-aid systems.]

§ 134. Metropolitan planning

(a) *GENERAL REQUIREMENTS.*—It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve urbanized areas of the States efficiently and effectively. To accomplish this objective, metropolitan planning organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State. Such plans and programs shall provide for the development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an intermodal transportation system for the State and such urbanized areas, giving emphasis to those facilities which serve important national and regional transportation functions (such as moving goods within the urbanized area and to dis-

tant markets, enhancing productivity and economic competitiveness, enabling persons to move quickly to and from their homes, jobs, and other destinations, providing access to international border crossings, and connecting roadways within the urbanized area with roadways outside the urbanized area). The process for developing such plans and programs shall provide for consideration of all modes of transportation (including pedestrian walkways and bicycle transportation) and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems.

(b) METROPOLITAN PLANNING ORGANIZATION.—

(1) **DESIGNATION.**—Affected units of general purpose local government and the Governor of a State shall designate or redesignate, by agreement or in accordance with procedures established by applicable State or local law, a metropolitan planning organization for each urbanized area of the State to carry out the transportation planning process required by this section.

(2) **CONTINUATION OF EXISTING MPOS.**—For purposes of this subsection, a metropolitan planning organization in existence on September 30, 1991, shall be treated as being designated under this subsection.

(c) **COVERAGE.**—The transportation planning process required by this section for an urbanized area shall cover, at a minimum, the existing urbanized area and the area expected to become an urbanized area within the planning forecast period and may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area (as defined by the Bureau of the Census), as the case may be, or an area designated as nonattainment for transportation-related pollutants under the Clean Air Act.

(d) **FACTORS TO BE CONSIDERED.**—In developing transportation plans and programs under this section, each State and metropolitan planning organization shall consider, at a minimum, the following:

(1) Transportation system management and investment strategies designed to make the most efficient use of existing transportation facilities.

(2) Applicable Federal, State, and local energy conservation program, goals, and objectives.

(3) The overall social, economic, and environmental effects of transportation decisions.

(4) Applicable requirements of the Clean Air Act.

(5) Methods to reduce traffic congestion and to prevent traffic congestion from developing in areas where it does not yet occur, including methods which reduce motor vehicle travel, particularly single-occupant motor vehicle travel.

(6) Methods to expand and enhance transit services and to increase the use of such services.

(7) The effect of transportation decisions on land use and land development, including the need for consistency between transportation decisionmaking and the provisions of all applicable short-range and long-range land use and development plans.

(8) The transportation needs identified through use of the management systems required by section 303 of this title.

(9) Where appropriate, the use of innovative mechanisms for financing projects, including value capture pricing, tolls, and congestion pricing.

(10) Preservation of rights-of-way for construction of future transportation projects, including identification of unused rights-of-way which may be needed for future transportation corridors and identification of those corridors for which action is most needed to prevent destruction or loss.

(11) Long-range needs of the transportation systems in the urbanized area.

(12) Methods to enhance the efficient movement of commercial motor vehicles.

(e) **SPECIAL RULES FOR URBANIZED AREAS OF MORE THAN 200,000.**—In addition to complying with the requirements of subsection (a), a metropolitan planning organization for an urbanized area of more than 200,000 population must develop transportation plans and programs in cooperation with the State and affected transit operators. Such planning process shall include a congestion management system appropriate for the size of the area and the complexity of transportation problems in the area, including transportation-related air quality problems. In nonattainment urbanized areas of more than 200,000 population for transportation-related pollutants under the Clean Air Act, the congestion management system shall be coordinated with the development of the State implementation plan required by the Clean Air Act.

(f) **LONG-RANGE PLAN.**—The metropolitan planning organization designated for an urbanized area, in cooperation with the State, shall develop a long-range transportation plan (including pedestrian walkways and bicycle transportation) for such area. In developing the plan, the metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan.

(g) **TRANSPORTATION IMPROVEMENT PROGRAM.**—

(1) **DEVELOPMENT.**—The metropolitan planning organization designated for an urbanized area, in cooperation with the State, shall develop a transportation improvement program for such area. In developing the program, the metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

(2) **INCLUDED PROJECTS.**—A transportation improvement program for an urbanized area developed under this subsection shall include projects within the area which are proposed for funding under this title and the Urban Mass Transportation Act of 1964, which are consistent with the long-range plan developed under subsection (f) for the area, and which conform with any applicable State implementation plan developed pursuant to the Clean Air Act. The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project

within the time period contemplated for completion of the project.

(3) **BIENNIAL REVIEW AND APPROVAL.**—A transportation improvement program for an urbanized area developed under this subsection shall be reviewed and approved no less frequently than biennially by the metropolitan planning organization for the area.

(4) **MODIFICATIONS.**—A transportation improvement program for an urbanized area developed under this subsection may be modified at any time by the metropolitan planning organization for the area in cooperation with the State if such modification is consistent with the long-range transportation plan developed under subsection (f).

§ 135. Statewide planning

(a) **GENERAL REQUIREMENTS.**—It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve all areas of the State efficiently and effectively. Subject to section 134 of this title, the State shall develop transportation plans and programs for all areas of the State. Such plans and programs shall provide for development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an intermodal State transportation system, giving emphasis to those facilities which serve important national and regional transportation functions (such as moving goods within the State and to distant markets, enhancing productivity and economic competitiveness, enabling persons to move quickly to and from their homes, jobs, and other destinations, providing access to international border crossings, and connecting roadways within the State with roadways outside the State). The process for developing such plans and programs shall provide for consideration of all modes of transportation (including bicycle transportation and other forms of non-motorized transportation) and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems.

(b) **COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.**—In carrying out planning under this section, a State shall coordinate such planning with the transportation planning activities carried out under section 134 of this title for urbanized areas of the State and shall develop the transportation portion of the State implementation plan required by the Clean Air Act.

(c) **FACTORS TO BE CONSIDERED.**—In developing transportation plans and programs under this section, each State shall consider, at a minimum, the following:

(1) Transportation system management and investment strategies designed to make the most efficient use of existing transportation facilities.

(2) Applicable Federal, State, and local energy conservation program, goals, and objectives.

(3) The overall social, economic, and environmental effects of transportation decisions.

(4) Applicable requirements of the Clean Air Act.

(5) *Methods to reduce traffic congestion and to prevent traffic congestion from developing in areas where it does not yet occur, including methods which reduce motor vehicle travel, particularly single-occupant motor vehicle travel.*

(6) *Methods to expand and enhance transit services and to increase the use of such services.*

(7) *The effect of transportation decisions on land use and land development, including the need for consistency between transportation decisionmaking and the provisions of all applicable short-range and long-range land use and development plans.*

(8) *The transportation needs identified through use of the management systems required by section 303 of this title.*

(9) *Where appropriate, the use of innovative mechanisms for financing projects, including value capture pricing, tolls, and congestion pricing.*

(10) *Preservation of rights-of-way for construction of future transportation projects, including identification of unused rights-of-way which may be needed for future transportation corridors, and identification of those corridors for which action is most needed to prevent destruction or loss.*

(11) *Long-range needs of the State transportation system.*

(12) *Recreational travel and tourism.*

(13) *Methods to enhance the efficient movement of commercial motor vehicles.*

(d) **ADDITIONAL REQUIREMENTS.**—*Each State in carrying out planning under this section shall—*

(1) *incorporate, coordinate, and reconcile transportation plans and programs developed for urbanized areas of the State under section 134 with the State transportation plans and programs developed under this section;*

(2) *provide for comprehensive transportation planning for areas of the State which are not urbanized areas;*

(3) *consult with Indian tribal governments having jurisdiction over lands within the boundaries of the State;*

(4) *establish and implement a bridge management system, pavement management system, safety management system, transit management system, and congestion management system in accordance with section 303 of this title; and*

(5) *establish and implement a traffic monitoring system in accordance with section 303 of this title.*

(e) **LONG-RANGE PLAN.**—*The State shall develop a long-range transportation plan (including pedestrian walk-ways and bicycle transportation) for all areas of the State. With respect to urbanized areas of the State, the plan shall be developed in cooperation with metropolitan planning organizations designated for such areas under section 134. With respect to areas of the State under the jurisdiction of an Indian tribal government, the plan shall be developed in cooperation with such Government and the Secretary of the Interior. In developing the plan, the State shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan.*

(f) TRANSPORTATION IMPROVEMENT PROGRAM.—

(1) **DEVELOPMENT.**—The State shall develop a transportation improvement program for all areas of the State. With respect to urbanized areas of the State, the program shall be developed in cooperation with metropolitan planning organizations designated for such areas under section 134. In developing the program, the State shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

(2) **INCLUDED PROJECTS.**—A transportation improvement program for a State developed under this subsection shall include projects within the boundaries of the State which are proposed for funding under this title and the Urban Mass Transportation Act of 1964, which are consistent with the long-range plan developed under subsection (e) for the State, and which conform with any applicable State implementation plan developed pursuant to the Clean Air Act. The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for such project within the time period contemplated for completion of the project.

(3) **BIENNIAL REVIEW AND APPROVAL.**—A transportation improvement program developed under this subsection shall be reviewed and approved no less frequently than biennially by the State.

(4) **MODIFICATIONS.**—A transportation improvement program developed under this subsection may be modified at any time by the State in cooperation with affected metropolitan planning organizations if such modification is consistent with the long-range transportation plan developed under subsection (e).

* * * * *

§ 137. Fringe and corridor parking facilities

(a) The Secretary may approve as a project on [the Federal-aid urban system] any Federal-aid system for payment with sums apportioned under section 104(b) (other than section 104(b)(5)(A)) the acquisition of land adjacent to the right-of-way outside a central business district, as defined by the Secretary, and the construction of publicly owned parking facilities thereon or within such right-of-way, including the use of the air space above and below the established grade line of the highway pavement, to serve an urban area of fifty thousand population or more. Such parking facility shall be located and designed in conjunction with existing or planned public transportation facilities. In the event fees are charged for the use of any such facility, the rate thereof shall not be in excess of that required for maintenance and operation (including compensation to any person for operating such facility).

* * * * *

[(f)(1) The Secretary may approve for Federal financial assistance from funds apportioned under section 104(b)(5)(B) of this title projects for designating existing facilities, or for acquisition of rights of way or construction of new facilities, for use as preferential parking for carpools, provided that such facilities (A) are located outside of a central business district and within an interstate highway corridor, and (B) have as their primary purpose the reduction of vehicular traffic on the interstate highway.

[(2) Nothing in this subsection, or in any rule or regulation issued under this subsection, or in any agreement required by this subsection, shall prohibit (A) any State, political subdivision, or agency or instrumentality thereof, from contracting with any person to operate any parking facility designated or constructed under this subsection, or (B) any such person from so operating such facility. Any fees charged for the use of any such facility in connection with the purpose of this subsection shall not be in excess of the amount required for operation and maintenance, including compensation to any person for operating the facility.

[(3) For the purposes of this subsection, the terms "facilities" and "parking facilities" are synonymous and shall have the same meaning given "parking facilities" in subsection (c) of this section.]

* * * * *

§ 140. Nondiscrimination

(a) * * *

(b) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, *Indian tribal government*, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer highway construction training, including skill improvement programs. Whenever apportionments are made under section 104(b) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed \$2,500,000 for the transition quarter ending September 30, 1976, and not to exceed \$10,000,000 per fiscal year, for the administration of this subsection. Such sums so deducted shall remain available until expended. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary.

(c) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, *Indian tribal government*, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer training programs and assistance programs in connection with any program under this title in order that minority businesses may achieve proficiency to compete, on an equal basis, for contracts and subcontracts. Whenever apportionments are made under subsection 104(a) of this title, the Secretary

shall deduct such sums as he may deem necessary, not to exceed \$10,000,000 per fiscal year, for the administration of this subsection. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under this authority herein granted to the Secretary notwithstanding the provisions of section 302(e) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(e)).

(d) INDIAN EMPLOYMENT AND CONTRACTING.—Consistent with section 703(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(i)), nothing in this section shall preclude the preferential employment of Indians living on or near a reservation on projects and contracts on Indian reservation roads. *States may implement a preference for employment of Indians on projects carried out under this title near Indian reservations.* The Secretary shall cooperate with Indian tribal governments and the States to implement this subsection.

§ 141. Enforcement of requirements

(a) Each State shall certify to the Secretary before January 1 of each year that it is enforcing all speed limits on public highways in accordance with section 154 of this title. The Secretary shall not approve any project under section 106 of this title in any State which has failed to certify in accordance with this subsection.

(b) Each State shall certify to the Secretary before January 1 of each year that it is enforcing all State laws respecting maximum vehicle size and weights permitted on the Federal-aid primary system, the Federal-aid urban system, and the Federal-aid secondary system, and the Federal-aid secondary system, including the Interstate System in accordance with section 127 of this title. *Each State shall also certify that it is enforcing and complying with the provisions of section 127(d) of this title and section 411(j) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(j)).*

* * * * *

§ 142. Public transportation

(a)(1) * * *

(2) In addition to the projects under paragraph (1), the Secretary may [, beginning with the fiscal year ending June 30, 1975,] approve as a project on the [Federal-aid urban system,] *rural mobility system or urban mobility system* for payment from sums apportioned under section [104(b)(6) of this title, the purchase of buses, and, beginning with the fiscal year ending June 30, 1976, approve as a project on the Federal-aid urban system, for payment from sums apportioned under section 104(b)(6) of this title, the construction, reconstruction, and improvement of fixed rail facilities, including the purchase of rolling stock for fixed rail, except that not more than \$200,000,000 of all sums apportioned for the fiscal year ending June 30, 1975, under section 104(b)(6) shall be available for the payment of the Federal share of projects for the purchase of buses.] *104(b)(2) or 104(b)(6), respectively, for carrying out any capital transit project eligible for assistance under the Urban Mass Transportation Act of 1964, capital improvement to provide access and coordination between intercity and rural bus service, and con-*

struction of facilities to provide connections between highway transportation and other modes of transportation.

* * * * *

[(c) Whenever responsible local officials of an urbanized area notify the State highway department that, in lieu of a highway project the Federal share of which is to be paid from funds apportioned under section 104(b)(6) of this title for the fiscal years ending June 30, 1974, and June 30, 1975, their needs require a nonhighway public mass transit project involving the construction of fixed rail facilities, or the purchase of passenger equipment including rolling stock for any mode of mass transit, or both, and the State highway department determines that such public mass transit project is in accordance with the planning process under section 134 of this title and is entitled to priority under such planning process, such public mass transit project shall be submitted for approval to the Secretary. Approval of the plans, specifications, and estimates for such project by the Secretary shall be deemed a contractual obligation of the United States for payment out of the general funds of its proportional share of the cost of such project in an amount equal to the Federal share which would have been paid if such project were a highway project under section 120(a) of this title. Funds previously apportioned to such State under section 104(b)(6) of this title shall be reduced by an amount equal to such Federal share.]

[(d) The establishment of routes and schedules of such public mass transportation systems in urbanized areas shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.]

(c) *ACCOMMODATION OF OTHER MODES OF TRANSPORTATION.*—*The Secretary may approve as a project on any Federal-aid system for payment from sums apportioned under section 104(b) (other than section 104(b)(5)(A)) modifications to existing highway facilities on such system necessary to accommodate other modes of transportation if such modifications will not adversely affect automotive safety or future highway improvements.*

(d) *METROPOLITAN PLANNING.*—*Any project carried out under this section in an urbanized area shall be subject to the metropolitan planning requirements of section 134.*

(e)(1) For all purposes of this title, a project authorized by subsection (a)(1) of this section shall be deemed to be a highway project.

(2) Notwithstanding section 209(f)(1) of the Highway Revenue Act of 1956, the Highway Trust Fund shall be available for making expenditures to meet obligations resulting from projects authorized by subsection (a)(2) of this section and such projects shall be subject to, and governed in accordance with, all provisions of this title applicable to projects on the [Federal-aid urban] urban mobility system, except to the extent determined inconsistent by the Secretary.

* * * * *

[(f) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that high occupancy vehicles will fully utilize the proposed project.]

[(g)] (f) In any case where sufficient land or air space exists within the publicly acquired rights-of-way of any Federal-aid highway to accommodate needed rail or nonhighway public mass transit facilities and where this can be accomplished without impairing automotive safety or future highway improvements, [the Administrator may authorize a State to] *a State may make such lands, air space, and rights-of-way available without charge to a publicly owned mass transit authority or private person for such purposes wherever he may deem that the public interest will be served thereby.*

[(h)] (g) The provision of assistance under subsection (a)(2) [or subsection (c) of this section] shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable.

[(i)] (h) Funds available for expenditure to carry out the purposes of subsection (a)(2) [and subsection (c)] of this section shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended.

[(j)] (i) The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out subsection (a)(2) [and subsection (c)] of this section.

[(k)] The Secretary shall not approve any project under subsection (a)(2) of this section in any fiscal year when there has been enacted an Urban Transportation Trust Fund or similar assured funding for both highway and public transportation.]

* * * * *

§ 144. Highway bridge replacement and rehabilitation program

(a) * * *

* * * * *

(c)(1) * * *

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(3) INVENTORY OF INDIAN RESERVATION AND PARK BRIDGES.—*The Secretary, in consultation with the Secretary of the Interior, shall (A) inventory all those highway bridges on Indian reservation roads and park roads which are bridges over waterways, other topographical barriers, other highways, and railroads, (B) classify them according to serviceability, safety, and essentially for public use, (C) based on the classification, assign each a priority for replacement or rehabilitation, and (D) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.*

(d) Whenever any State or States make application to the Secretary for assistance in replacing or rehabilitating a highway bridge which the priority system established under subsections (b) and (c) of this section shows to be eligible, the Secretary may approve Federal participation in replacing such bridge with a comparable facility or in rehabilitating such bridge. *Whenever any State makes application to the Secretary for assistance in painting, or applying calcium magnesium acetate to, the structure of a highway bridge, the*

Secretary may approve Federal participation in the painting of, or application of such acetate to, such structure. The Secretary shall determine the eligibility of highway bridges for replacement or rehabilitation for each State based upon the unsafe highway bridges in such State. In approving projects (*other than projects for bridge structure painting or application of such acetate*) under this section, the Secretary shall give consideration to those projects which will remove from service those highway bridges most in danger of failure.

(f) The Federal share payable on account of any [highway bridge replaced or rehabilitated] project under this section shall be 80 per centum of the cost thereof.

(g) SET-ASIDES.—

[(1) DISCRETIONARY BRIDGE PROGRAM.—Of the amount authorized per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991 by section 106(a)(5) of the Federal-Aid Highway Act of 1987, all but \$225,000,000 per fiscal year shall be apportioned as provided in subsection (e) of this section. \$225,000,000 per fiscal year of the amount authorized for each of such fiscal years shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date, except that the obligation of such \$225,000,000 shall, subject to section 149(d) of the Federal-Aid Highway Act of 1987, be at the discretion of the Secretary.]

(1) DISCRETIONARY BRIDGE PROGRAM.—Of the amounts authorized for each of fiscal years 1992, 1993, 1994, 1995, and 1996 by section 104 of the Intermodal Surface Transportation Infrastructure Act of 1991, all but \$270,000,000 per fiscal year shall be apportioned as provided in subsection (e) of this section. \$250,000,000 per fiscal year of the amount authorized for each of such fiscal years shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date, except that the obligation of such \$250,000,000 shall be at the discretion of the Secretary, and \$20,000,000 per fiscal year of the amount authorized for each of such fiscal years shall be available in accordance with section 141(e) of the Intermodal Surface Transportation Infrastructure Act of 1991, relating to highway timber bridges.

(3) OFF-SYSTEM BRIDGES.—Not less than 15 percent nor more than 35 percent of the amount apportioned to each State in each of fiscal years 1987, 1988, 1989, 1990, [and 1991] 1991, 1992, 1993, 1994, 1995, and 1996, shall be expended for projects to replace [or rehabilitate], rehabilitate, paint, or apply calcium magnesium acetate to highway bridges located on public roads, other than those on a Federal-aid system. The Secretary, after consultation with State and local officials, may, with respect to such State, reduce the requirement for expenditure for bridges

not on a Federal-aid system when the Secretary determines that such State has inadequate needs to justify such expenditure.

(4) *INDIAN RESERVATION BRIDGES.*—Not less than 1 percent of the amount apportioned to each State which has an Indian reservation within its boundaries for each fiscal year shall be expended for projects to replace, rehabilitate, paint, or apply calcium magnesium acetate to highway bridges located on Indian reservation roads. upon determining a State bridge apportionment and before transferring funds to the States, the Secretary shall transfer the Indian reservation bridge allocation under this paragraph to the Secretary of the Interior for expenditure pursuant to this paragraph. The Secretary, after consultation with State and Indian tribal government officials, and with the concurrence of the Secretary of the Interior, may with respect to such State, reduce the requirement for expenditure for bridges under this paragraph when the Secretary determines that there are inadequate needs to justify such expenditure. The non-Federal share payable on account of such a project may be provided from funds made available for Indian reservation roads under chapter 2 of this title.

* * * * *

§ 146. Carpool and vanpool projects

(a) In order to conserve fuel, decrease traffic congestion during rush hours, improve air quality, and enhance the use of existing highways and parking facilities, the Secretary may approve for Federal financial assistance from funds apportioned under [sections 104(b)(1), 104(b)(2), and 104(b)(6)] section 104(b) (other than section 104(b)(5)(A)) of this title, "projects" designed to encourage the use of carpools and vanpools. (As used hereafter in this section, the term "carpool" includes a vanpool.) Such a project may include, but is not limited to, such measures as providing carpooling opportunities to the elderly and handicapped, systems for locating potential riders and informing them of convenient carpool opportunities, acquiring vehicles appropriate for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use as preferential parking for carpools.

* * * * *

§ 150. Allocation of urban system funds

The funds apportioned to any State under paragraph (6) of subsection (b) of section 104 of this title that are attributable to urbanized areas of 200,000 population or more shall be made available for expenditure in such urbanized areas for projects in programs approved under subsection [(d)] (f) of section 105 of this title in accordance with a fair and equitable formula developed by the State which formula has been approved by the Secretary. Such formula shall provide for fair and equitable treatment of incorporated municipalities of 200,000 or more population. Whenever such a formula has not been developed and approved for a State the funds apportioned to any State under paragraph (6) of subsection (b) of

section 104 of this title which are attributable to urbanized areas having a population of 200,000 or more shall be allocated among such urbanized area within such State for projects in programs approved under subsection [(d)] (f) section 105 of this title in the ratio that the population within each such urbanized area bears to the population of all such urbanized areas, or parts thereof, within such State. In the expenditure of funds allocated under the preceding sentence, fair and equitable treatment shall be accorded incorporated municipalities of 200,000 or more population. Funds allocated to an urbanized area under the provisions of this section may, at the request of the Governor and upon approval of the appropriate local officials of the area and the Secretary, be transferred to the allocation of another such area in the State or to the State for use in any urban area.

* * * * *

[§ 152. Hazard elimination program

[(a) Each State shall conduct and systematically maintain an engineering survey of all public roads to identify hazardous locations, sections, and elements, including roadside obstacles and unmarked or poorly marked roads, which may constitute a danger to motorists and pedestrians, assign priorities for the correction of such locations, sections, and elements, and establish and implement a schedule of projects for their improvement.

[(b) The Secretary may approve as a project under this section any highway safety improvement project.

[(c) Funds authorized to carry out this section shall be available for expenditure on any public road (other than a highway on the Interstate System).

[(d) The Federal share payable on account of any project under this section shall be 90 percent of the cost thereof.

[(e) Funds authorized to be appropriated to carry out this section shall be apportioned to the States as provided in section 402(c) of this title. Such funds shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under section 104(b)(1), except that the Secretary is authorized to waive provisions he deems inconsistent with the purposes of this section.

[(f) Each State shall establish an evaluation process approved by the Secretary, to analyze and assess results achieved by highway safety improvement projects carried out in accordance with procedures and criteria established by this section. Such evaluation process shall develop cost-benefit data for various types of corrections and treatments which shall be used in setting priorities for highway safety improvement projects.

[(g) Each State shall report to the Secretary of Transportation not later than December 30 of each year, on the progress being made to implement highway safety improvement projects for hazard elimination and the effectiveness of such improvements. Each State report shall contain an assessment of the cost of, and safety benefits derived from, the various means and methods used to mitigate or eliminate hazards and the previous and subsequent accident experience at these locations. The Secretary of Transpor-

tation shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than April 1 of each year on the progress being made by the States in implementing the hazard elimination program (including but not limited to any projects for pavement marking). The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, means and methods used, and the previous and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a) and include recommendations for future implementation of the hazard elimination program.

[(h) For the purposes of this section the term "State" shall have the meaning given it in section 401 of this title.]

§ 154. National maximum speed limit

(a) The Secretary of Transportation shall not approve any project under section 106 in any State which has (1) a maximum speed limit on any public highway within its jurisdiction in excess of fifty-five miles per hour other than a highway on the Interstate System located outside of an urbanized area of 50,000 population or more, (2) a maximum speed limit on any highway within its jurisdiction on the Interstate System located outside of an urbanized area of 50,000 population or more in excess of 65 miles per hour, [or (3)] *(3) a maximum speed limit in excess of 65 miles per hour on any highway within its jurisdiction located outside an urbanized area of 50,000 population or more (A) which is constructed to interstate standards in accordance with section 109(b) of this title and connected to a highway on the Interstate System, (B) which is a divided 4-lane fully controlled access highway designed or constructed to connect to a highway on the Interstate System posted at 65 miles per hour and constructed to design and construction standards as determined by the Secretary which provide a facility adequate for a speed limit of 65 miles per hour, or (C) which is constructed to the geometric and construction standards adequate for current and probable future traffic demands and for the needs of the locality and is designated by the Secretary as part of the Interstate System in accordance with section 139(c) of this title, or (4) a speed limit on any other portion of a public highway within its jurisdiction which is not uniformly applicable to all types of motor vehicles using such portion of highway, if on November 1, 1973, such portion of highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. A lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. Clause [(3)] (4) of this subsection shall not apply to any portion of a highway, during such time that the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of a highway.*

* * * * *

(e) Each State shall submit to the Secretary such data as the Secretary determines by rule is necessary to support its certification under section 141 of this title for the twelve-month period ending on September 30 before the date the certification is required, including data on the percentage of motor vehicles exceeding [fifty-five miles per hour on public highways with speed limits posted at fifty-five miles per hour] *the speed limit on maximum speed limit highways* in accordance with criteria to be established by the Secretary, including criteria which takes into account the variability of speedometer readings and criteria based upon the speeds of all vehicles or a representative sample of all vehicles. *The Secretary shall issue regulations which ensure (1) that the monitoring programs conducted by the States to collect data for purposes of this subsection are uniform, (2) that devices and equipment under such programs are placed at locations on maximum speed limit highways on a scientifically random basis which takes into account the relative risk, as determined by the Secretary, of motor vehicle accidents occurring considering the classes of such highways and the speeds at which vehicles are traveling on such classes of highways, and (3) that the data submitted under this subsection will be in such form as the Secretary determines is necessary to carry out subsection (f).*

[(f) If the data submitted by a State pursuant to subsection (e) of this section show that the percentage of motor vehicles exceeding 55 miles per hour on public highways with speed limits posted at 55 miles per hour is greater than 50 percent, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(2), and 104(b)(6) of this title in an aggregate amount of up to 5 percent of the amount to be apportioned for the following fiscal year, in the case of fiscal years 1982 and 1983, and up to 10 percent, in the case of subsequent fiscal years.

[(g) In any case where the Secretary determines, in accordance with criteria established by the Secretary, that a reduction in apportionment required by subsection (f) of this section would result in hardship to a State, the fiscal year apportionment reduced for such State shall be the apportionment for one fiscal year later than the fiscal year to which such reduction would apply under subsection (f) but for such hardship determination.

[(h) The Secretary shall promptly apportion to a State any funds which have been withheld pursuant to subsection (f) of this section if he determines that the percentage of motor vehicles in such State exceeding fifty-five miles per hour has dropped to the level specified for the fiscal year for which the funds were withheld.]

(f) ENFORCEMENT.—

(1) TRANSFERS OF APPORTIONMENT.—*If the percentage of vehicles traveling in a fiscal year in a State—*

(A) on 55 mph interstate highways at speeds in excess of the posted speed limit plus 5 miles per hour exceeds 50 percent,

(B) on 55 mph interstate highways at speeds in excess of the posted speed limit plus 10 miles per hour exceeds 30 percent,

(C) on 65 mph highways at speeds in excess of the posted speed limit plus 5 miles per hour exceeds 35 percent,

(D) on 65 mph highways at speeds in excess of the posted speed limit plus 10 miles per hour exceeds 20 percent,

(E) on noninterstate highways at speeds in excess of the posted speed limit plus 5 miles per hour exceeds 30 percent, or

(F) on noninterstate highways at speeds in excess of the posted speed limit plus 10 miles per hour exceeds 15 percent,

the Secretary shall transfer not less than 1 percent and not more than 5 percent of the funds apportioned to the State for the succeeding fiscal year under each of subsections (b)(1), (b)(2), and (b)(6) of section 104 of this title to the apportionment of the State under section 402 of this title; except that, in any case in which an apportionment of a State is transferred pursuant to this paragraph in 2 or more consecutive fiscal years, the minimum percentage to be transferred shall be 2 percent and the maximum percentage to be transferred shall be 10 percent.

(2) **FACTORS TO BE CONSIDERED WITH RESPECT TO ENFORCEMENT.**—In determining the percentage of funds of a State to be transferred under this subsection, the Secretary shall consider the number of categories listed in subparagraphs (A) through (F) of paragraph (1) with respect to which the State is out of compliance.

(3) **LIMITATION ON USE OF FUNDS.**—

(A) **GENERAL RULE.**—A State must obligate at least 50 percent of its funds transferred pursuant to paragraph (1) for a fiscal year for speed limit enforcement and public information and education.

(B) **WAIVER.**—Upon request of a State, the Secretary may waive the requirement of subparagraph (A) for any fiscal year quarter if in the preceding fiscal year quarter the State was in compliance with all of the categories listed in subparagraphs (A) through (F) of paragraph (1).

(g) **ADMINISTRATION THROUGH NHTSA.**—

(1) **TRANSFER OF FUNCTIONS.**—The Secretary shall carry out this section and section 141(a) of this title through the National Highway Traffic Safety Administration, in cooperation with the Federal Highway Administration.

(2) **TRANSFER OF PERSONNEL.**—In order to carry out objectives of this subsection, the Secretary shall transfer any employees of the Federal Highway Administration who, on the date of the enactment of the Intermodal Surface Transportation Infrastructure Act of 1991, are carrying out any duties with respect to this section or section 141(a) of this title or both to the National Highway Traffic Safety Administration.

(h) **DEFINITIONS.**—For purposes of this section the following definitions apply:

(1) **MAXIMUM SPEED LIMIT HIGHWAY.**—The term "maximum speed limit highway" means any public highway with a speed limit which is posted on or after January 1, 1991, at 55 miles per hour or more in accordance with this section or section 329 of the Department of Transportation and Related Agency Appropriations Act, 1988 (101 Stat. 1329-383); except that such term does not include any highway on which the posted speed

limit has been reduced to less than 55 miles per hour after such date based on legitimate traffic safety requirements as determined by the Secretary.

(2) **65 MPH HIGHWAY.**—The term “65 mph highway” means a maximum speed limit highway on which the speed limit is posted at more than 55 miles per hour in accordance with subsection (a) of this section or section 329 of the Department of Transportation and Related Agency Appropriations Act, 1988 (101 Stat. 1329–383).

(3) **55 MPH INTERSTATE HIGHWAY.**—The term “55 mph interstate highway” means a maximum speed limit highway which is on the Interstate System but which is not a 65 mile per hour highway.

(4) **55 MPH NONINTERSTATE HIGHWAY.**—The term “55 mph noninterstate highway” means a maximum speed limit highway which is not on the Interstate System and which is not a 65 mile per hour highway.

* * * * *

§ 156. Income from airspace rights-of-way

【States shall】 Subject to section 142(f), States shall charge, as a minimum, fair market value, with exceptions granted at the discretion of the Secretary for social, environmental, and economic mitigation purposes, for the sale, use, lease, or lease renewals (other than for utility use and occupancy or for transportation projects eligible for assistance under this title) of right-of-way airspace acquired as a result of a project funded in whole or in part with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account). This section applies to new airspace usage proposals, renewals of prior agreements, arrangements, or leases entered into by the State after the date of the enactment of the Federal-Aid Highway Act of 1987. The Federal share of net income from the revenues obtained by the State for sales, uses, or leases (including lease renewals) under this section shall be used by the State for projects eligible under this title.

§ 157. Minimum allocation

(a) GENERAL RULES.—

(1) * * *

* * * * *

(3) 【THEREAFTER】—FISCAL YEARS 1989–1991.—

(A) GENERAL RULE.—In fiscal year 1989 [and each fiscal year thereafter,], 1990, and 1991 on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year and allocations for the prior fiscal year for Federal-aid highway programs (except allocations for forest highways, Indian reservation roads, and parkways and park roads in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, nonconstruction safety grants authorized by sections 402,

406, and 408 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982) shall not be less than 85 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available.

(B) EXCEPTION FOR FISCAL YEAR 1989.—Notwithstanding subparagraph (A), the amount allocated to the State of California under this paragraph in fiscal year 1989 shall be the amount which would be allocated to such State under this subsection if paragraph (2) were in effect for such fiscal year.

(4) THEREAFTER.—

(A) BASIC.—*In fiscal year 1992 and each fiscal year thereafter on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year under sections 103(e)(4), 104(b), 130, and 144 shall not be less than 90 percent of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.*

(B) SUPPLEMENTAL.—*In fiscal year 1992 and each fiscal year thereafter on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States in such fiscal year amounts sufficient to ensure that a State's percentage of \$6,800,000,000 (which is the total allocation in such fiscal year under sections 128(h), 134(c), 140, 149, 157, and 505 of the Intermodal Surface Transportation Infrastructure Act of 1991) shall not be less than 90 percent of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.*

(b) Amounts allocated pursuant to subsection (a) of this section shall be available for obligation when allocated for the year authorized plus the three succeeding fiscal years, shall be subject to the provisions of this title 23 and may be obligated for Interstate highway substitute, [primary, secondary] *National Highway, rural mobility, Interstate, urban mobility, bridge replacement and rehabilitation, hazard elimination, and rail-highway crossings projects.* Obligation limitations for Federal-aid highways and highway safety construction programs established by this Act or any subsequent Act shall not apply to obligations made under this section, except where the provision of law establishing such limitation specifically amends or limits the applicability of this sentence. Sums allocated pursuant to this section shall not be considered to be sums allocated for purposes of section 104(b) of the Highway Improvement Act of 1982 and section 4102(c) of the Consolidated Omnibus Budget Reconciliation Act of 1985 and section 105(c) of the Federal-Aid

Highway Act of 1987 [.] and section 102(c) of the Intermodal Surface Transportation Infrastructure Act.

CHAPTER 2.—OTHER HIGHWAYS

§ 204. Federal Lands Highways Program

(a) * * *

(i) *INDIAN RESERVATION ROADS PLANNING.*—Two percent of funds made available for Indian reservation roads for each fiscal year shall be allocated to those Indian tribal governments applying for transportation planning pursuant to the provisions of the Indian Self-Determination and Education Assistance Act. The Indian tribal government, in cooperation with the Secretary of the Interior, and, as may be appropriate, with a State, local government, or metropolitan planning organization, shall develop a transportation improvement program that includes all Indian reservation road projects proposed for funding. Projects shall be selected by the Indian tribal government from the transportation improvement program and shall be subject to the approval of the Secretary of the Interior and the Secretary.

[217. Bicycle transportation and pedestrian walkway

[(a) To encourage energy conservation and the multiple use of highway rights-of-way, including the development and improvement of pedestrian walkways on or in conjunction with highway rights-of-way, the States may, as Federal-aid highway projects, construct pedestrian walkways. Sums apportioned in accordance with paragraphs (1), (2), and (6) of section 104(b) of this title shall be available for pedestrian walkways authorized under this section and such projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

[(b)(1) To encourage energy conservation, including the development, improvement, and use of bicycle transportation, the States may, as Federal-aid highway projects, construct new or improved lanes, paths, or shoulders; traffic control devices, shelters for and parking facilities for bicycles, and carry out nonconstruction projects related to safe bicycle use. Sums apportioned in accordance with paragraphs (1), (2), and (6) of section 104(b) of this title and sums apportioned or allocated for highway substitute projects in accordance with section 103(e)(4) of this title shall be available for bicycle projects authorized under this section and such projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

[(2) In any case where a highway bridge deck being replaced or rehabilitated with Federal financial participation is located on a highway, other than a highway access to which is fully controlled,

on which bicycles are permitted to operate at each end of such bridge, and the Secretary determines that the safe accommodation of bicycles can be provided at reasonable cost as part of such replacement or rehabilitation, then such bridge shall be so replaced or rehabilitated as to provide such safe accommodations.

[(3) No bicycle project shall be authorized by this section unless the Secretary shall have determined that such bicycle project will be principally for transportation, rather than recreation, purposes.

[(c) For all purposes of this title, a pedestrian walkway project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such pedestrian walkway project shall be 100 per centum.

[(d) For all purposes of this title, a bicycle project authorized by subsection (b) of this section shall be deemed to be a highway project, and the Federal share payable on account of such bicycle project shall be 100 per centum.

[(e) Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of pedestrian walkways in conjunction with such trails, roads, highways, and parkways.

[(f) Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of bicycle routes.

[(g) No motorized vehicles shall be permitted on trails and walkways authorized under this section except for maintenance purposes and, when snow conditions and State or local regulations permit, snowmobiles.

[(h) Not more than \$45,000,000 of funds authorized to be appropriated in any fiscal year may be obligated for projects authorized by subsections (a), (b), (e), and (f) of this section. No State shall obligate more than \$4,500,000 for such projects in any fiscal year, except that the Secretary may, upon application, waive this limitation for a State for any fiscal year.]

§ 217. Bicycle transportation and pedestrian walkways

(a) **USE OF MOBILITY SYSTEM AND FLEXIBLE PROGRAM FUNDS.**—Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, a State may obligate funds apportioned to it under sections 104(b)(2), 104(b)(3), and 104(b)(6) of this title for construction of pedestrian walkways and bicycle transportation facilities.

(b) **USE OF NATIONAL HIGHWAY SYSTEM FUNDS.**—Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, a State may obligate funds apportioned to it under section 104(b)(1) of this title for construction of bicycle transportation facilities on land adjacent to any highway on the National Highway System (other than the Interstate System).

(c) **USE OF FEDERAL LANDS HIGHWAY FUNDS.**—Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of pedestrian walkways and bicycle transportation facilities in conjunction with such trails, roads, highways, and parkways.

(d) **STATE BICYCLE AND PEDESTRIAN COORDINATORS.**—Each State receiving an apportionment under sections 104(b)(2), 104(b)(3), and 104(b)(6) of this title shall use such amount of the apportionment as may be necessary to fund in the State department of transportation a position of bicycle and pedestrian coordinator for promoting and facilitating the increased use of nonmotorized modes of transportation, including developing facilities for the use of pedestrians and bicyclists and public education, promotional, and safety programs for using such facilities.

(e) **BRIDGES.**—In any case where a highway bridge deck being replaced or rehabilitated with Federal financial participation is located on a highway, other than a highway access to which is fully controlled, on which bicycles are permitted to operate at each end of such bridge, and the Secretary determines that the safe accommodation of bicycles can be provided at reasonable cost as part of such replacement or rehabilitation, then such bridge shall be so replaced or rehabilitated as to provide such safe accommodations.

(f) **FEDERAL SHARE.**—For all purposes of this title, construction of a pedestrian walkway and a bicycle transportation facility shall be deemed to be a highway project and the Federal share payable on account of such construction shall be 80 percent.

(g) **PLANNING.**—Pedestrian walkways and bicycle transportation facilities to be constructed under this section shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

(h) **USE OF MOTORIZED VEHICLES.**—No motorized vehicles shall be permitted on pedestrian walkways and trails under this section, except for—

- (1) maintenance purposes;
- (2) when snow conditions and State or local regulations permit, snowmobiles; and
- (3) when State and local regulations permit, motorized wheelchairs.

(i) **TRANSPORTATION PURPOSE.**—No bicycle project may be carried out under this section unless the Secretary has determined that such bicycle project will be principally for transportation, rather than recreation, purposes.

(j) **BICYCLE TRANSPORTATION FACILITY DEFINED.**—For purposes of this section, a "bicycle transportation facility" means new or improved lanes, paths, or shoulders for use by bicyclists, traffic control devices, shelters, and parking facilities for bicycles.

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CHAPTER 3.—GENERAL PROVISIONS

Sec.

301. Freedom from tolls.

302. State highway department.

303. Management systems.

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313. Highway safety promotion program.

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325. Education and training program.

326. International transportation outreach program.

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SEC. 303. MANAGEMENT SYSTEMS.

(a) **REGULATIONS.**—Not later than 1 year after the date of the enactment of this section, the Secretary shall issue regulations for State development, establishment, and implementation of a system for managing each of the following:

- (1) Highway pavement of the Federal-aid system.
- (2) Bridges on and off the Federal-aid system.
- (3) Highway and transportation safety.
- (4) Traffic congestion.
- (5) Public transportation facilities and equipment.
- (6) Intermodal transportation facilities and systems.

Such regulations may include a compliance schedule for development, establishment, and implementation of each such system and minimum standards for each such system.

(b) **TRAFFIC MONITORING.**—Not later than 1 year after the date of the enactment of this section, the Secretary shall issue guidelines and requirements for the State development, establishment, and implementation of a traffic monitoring system for highways and public transportation facilities and equipment.

(c) **STATE REQUIREMENTS.**—The Secretary may withhold 10 percent of the funds apportioned under this title and under the Urban Mass Transportation Act of 1964 for any fiscal year beginning after September 30, 1995, to any State and any recipient of assistance under such Act in the State, and may not approve a grant to a recipient in the State under such Act in such fiscal year, unless, in the preceding fiscal year, the State was implementing each of the management systems described in subsection (a) and, before January 1 of the preceding fiscal year, the State certified, in writing, to the Secretary, that the State was implementing each of such management systems in the preceding fiscal year.

(d) **PROCEDURAL REQUIREMENTS.**—In developing and implementing a management system under this section, each State shall cooperate with metropolitan planning organizations for urbanized areas of the State and affected agencies receiving assistance under the Urban Mass Transportation Act of 1964 and shall consider the results of the management systems in making project selection decisions under this title and under such Act.

(e) **INTERMODAL REQUIREMENTS.**—The management system required under this section for intermodal transportation facilities and systems shall provide for improvement and integration of all of a State's transportation systems and shall include methods of achieving the optimum yield from such systems, methods for increasing productivity in the State, methods for increasing use of ad-

vanced technologies, and methods to encourage the use of innovative marketing techniques, such as just-in-time deliveries.

(f) **ANNUAL REPORT.**—Not later than January 1 of each calendar year beginning after December 31, 1992, the Secretary shall transmit to Congress a report on the progress being made by the Secretary and the States in carrying out this section.

(g) **FUNDING.**—Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, a State may obligate funds apportioned after September 30, 1991, under subsections (b)(1), (b)(2), (b)(3), and (b)(6) of section 104 of this title for developing and establishing management systems required by this section and funds apportioned under section 144 of this title for developing and establishing the bridge management system required by this section.

* * * * *

§ 307. Research and planning

[(a) The Secretary is authorized in his discretion to engage in research on all phases of highway construction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary may publish the results of such research. The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization, or person. The Secretary is also authorized, acting independently or in cooperation with other Federal departments, agencies, or instrumentalities, to make grants for research fellowships for any purpose for which research is otherwise authorized by this section. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 104 of this title, funds authorized to carry out section 403 of this title, and such funds as may be deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts or agreements made under the authority of this subsection.]

(a) **RESEARCH AND TECHNOLOGY PROGRAM.**—

(1) **AUTHORITY OF THE SECRETARY.**—The Secretary may engage in research, development, and technology transfer activities on motor carrier transportation and all phases of highway planning and development including construction, operation, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect of State laws and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary may carry out the authority granted by this section, either independently, or in cooperation with any other branch of the Government or by making grants to, and entering into contracts and cooperative agreements with the National Acade-

my of Sciences, the American Association of State Highway and Transportation Officials, or any State agency, authority, association, institution, corporation (profit or nonprofit), organization or person. The Secretary is also authorized, acting independently or in cooperation with other Federal departments, agencies, or instrumentalities, to make grants for research fellowships for any purpose for which research is authorized by this section.

(2) **COLLABORATIVE RESEARCH AND DEVELOPMENT.**—For purposes of encouraging innovative solutions to highway problems and stimulating the marketing of new technology by private industry, the Secretary is authorized to undertake on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations which are incorporated or established under the laws of any of State. In carrying out this section, the Secretary may enter into a cooperative research and development agreement, as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a). The average Federal share in these agreements shall not exceed 50 percent; except that, if there is substantial public interest or benefit, the Secretary may approve a higher Federal level of participation. Cooperative research and development agreements shall recognize all directly related costs to the non-Federal partners, including personnel, travel, and hardware development. The research, development, or utilization of any technology pursuant to an agreement under this paragraph, including the terms under which technology may be licensed and the resulting royalties may be distributed, shall be subject to provisions of such Act.

(3) **FUNDS.**—The funds required to carry out the provisions of this subsection and subsections (b), (d), and (e) shall be taken out of the administrative funds authorized by section 104(a) and funds as may be deposited in a special account with the Secretary of the Treasury for those purposes by any cooperating organization or person. Not less than 15 percent of these funds shall be used for long-term research projects. The term "long-term research project", as used in this paragraph, means a research project which is unlikely to be completed within 10 years. The provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) shall not be applicable to contracts or agreements made under the authority of this section.

(b) **MANDATORY CONTENTS OF RESEARCH PROGRAM.**—

(1) **INCLUSION OF CERTAIN STUDIES.**—The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards. The highway research program herein authorized shall also include studies to identify and measure, quantitatively and qualitatively, those factors which relate to economic, social, environmental, and other impacts of highway projects.

(2) **IMPLEMENTATION OF SHARP RESULTS.**—*The highway research program under subsection (a) shall include a program to implement results of the strategic highway research program carried out under subsection (d) (including results relating to automatic intrusion alarms for street and highway construction work zones) and to continue the long-term pavement performance tests being carried out under such program. Of amounts deducted under section 104(a) for each fiscal years 1992, 1993, 1994, 1995, and 1996, the Secretary shall expend not less than \$12,000,000 in fiscal year 1992, \$16,000,000 in fiscal year 1993, and \$20,000,000 per fiscal year for fiscal years 1994, 1995, and 1996 to carry out this paragraph.*

[(c)(1) Not to exceed 1½ per centum of the sums apportioned for each fiscal year beginning with fiscal year 1974 to any State under section 104 of this title and for highway projects under section 103(e)(4) shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations; for the planning of future highway programs and local public transportation systems and for planning for the financing thereof; for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof; and for research and development, necessary in connection with the planning, design, construction, and maintenance of highways and highway systems and for study, research and training on engineering standards and construction materials, including evaluation and accreditation of inspection and testing, and the regulation and taxation of their use.

[(2) One and one-half per centum of the sums apportioned for each fiscal year beginning with the fiscal year 1983 to any State under sections 104 and 144 of this title shall be available for expenditure by the State highway department only for the purposes enumerated in paragraph (1) of this subsection.

[(3) In addition to the percentage provided in paragraph (2) of this subsection, not to exceed one-half of one per centum of sums apportioned for each fiscal year beginning with the fiscal year 1964 under paragraphs (1), (2), and (3) of section 104(b) of this title shall be available for expenditure upon request of the State highway department for the purposes enumerated in paragraph (1) of this subsection, including demonstration projects in connection with such purposes.

[(4) Sums made available under paragraphs (2) and (3) of this subsection shall be matched by the State in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching.

[(5) The sums provided pursuant to paragraph (2) of this subsection shall be combined and administered by the Secretary as a single fund which shall be available for obligation for the same period as funds apportioned under section 104(b)(1) of this title.]

(c) STATE PLANNING AND RESEARCH.—

(1) **GENERAL RULE.**—*One and ½ percent of the sums apportioned for each fiscal year beginning with fiscal year 1992 to any State under sections 104 and 144 of this title and for high-*

way projects under section 103(e)(4) shall be available for expenditure by the State highway department in consultation with the Secretary only for engineering and economic surveys and investigations; for the planning of future highway programs and local public transportation systems and for planning for the financing thereof, including statewide planning under section 135 of this title; for development and implementation of management systems under section 303 of this title; for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof; and for research, development, and technology transfer activities necessary in connection with the planning, design, construction, and maintenance of highway, public transportation, and intermodal systems and for study, research, and training on engineering standards and construction materials, including evaluation and accreditation of inspection and testing, and the regulation and taxation of their use. Not less than 25 percent of the sums made available to a State in a fiscal year under this paragraph shall be expended by the State for research, development, and technology transfer activities described in this paragraph relating to highway, public transportation, and intermodal systems.

(2) **STATE MATCH.**—Sums made available under paragraph (1) shall be matched by the State in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching.

(3) **ADMINISTRATION OF SUMS.**—Sums made available under paragraph (1) shall be combined and administered by the Secretary as a single fund which shall be available for obligation for the same period as funds apportioned under section 104(b)(1) of this title.

* * * * *

(e) **APPLIED RESEARCH AND TECHNOLOGY PROGRAM.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish and implement in accordance with this subsection an applied research and technology program for the purpose of accelerating testing, evaluation, and implementation of technologies which are designed to improve the durability, efficiency, environmental impact, productivity, and safety of highway, transit, and intermodal transportation systems.

(2) **GUIDELINES.**—Not later than 18 months after the date of the enactment of this subsection, the Secretary shall issue guidelines to carry out this subsection. Such guidelines shall include:

(A) **TECHNOLOGIES.**—Guidelines on the selection of both foreign and domestic technologies to be tested.

(B) **TEST LOCATIONS.**—Guidelines on the selection of locations at which tests will be conducted. Such guidelines shall ensure that testing is conducted in a range of climatic, traffic, geographic, and environmental conditions, as appropriate for the technology being tested.

(C) **DATA.**—Guidelines for the scientific collection and evaluation of appropriate test data.

(3) **TECHNOLOGIES.**—Technologies which may be tested under this subsection include, but are not limited to—

- (A) accelerated construction materials and procedures;
- (B) environmentally beneficial materials and procedures;
- (C) materials and techniques which provide enhanced serviceability and longevity under adverse climatic, environmental, and load effects;
- (D) technologies which increase the efficiency and productivity of vehicular travel; and
- (E) technologies and techniques which enhance the safety and accessibility of vehicular transportation systems.

(4) **HEATED BRIDGE TECHNOLOGIES.**—

(A) **PROJECTS.**—As part of the program under this subsection, the Secretary shall carry out projects to assess the state of technology with respect to heating the decks of bridges and the feasibility of, and costs and benefits associated with, heating the decks of bridges. Such projects shall be carried out by installing heating equipment on the decks of bridges which are being replaced or rehabilitated under section 144 of this title.

(B) **MINIMUM NUMBER OF BRIDGES.**—The number of bridges for which heating equipment is installed under this subsection in fiscal year shall not be less than 10 bridges.

(5) **ELASTOMER MODIFIED ASPHALT.**—As part of the program under this subsection, the Secretary shall carry out a project in the State of New Jersey to demonstrate the environmental and safety benefits of elastomer modified asphalt.

(6) **ALL WEATHER PAVEMENT MARKINGS.**—A part of the program under this subsection, the Secretary shall carry out a program to demonstrate the safety and durability of all weather pavement markings.

(7) **TESTING OF HIGHWAY TECHNOLOGIES.**—Projects carried out under this subsection to test technologies related to highways shall be carried out on highways on the Federal-aid system.

(8) **TECHNICAL ASSISTANCE.**—The Secretary shall provide technical assistance to State and localities in carrying out projects under this subsection.

(9) **ANNUAL REPORT.**—Not later than 1 year after the date of the enactment of this subsection, and annually thereafter, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the progress and research findings of the program carried out under this subsection.

(10) **FEDERAL SHARE.**—The Federal share of the cost of a project carried out under this subsection shall not exceed 80 percent.

(11) **FUNDING.**—The Secretary shall expend from administrative and research funds deducted under section 104(a) of this title and funds made available under section 21(h) of the Urban Mass Transportation Act of 1964 \$50,000,000 per fiscal year for each of fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out this subsection. Of such amount, in each of such fiscal years, the Secretary shall expend not less than \$5,000,000 per fiscal

year to carry out projects related to heated bridge technologies under paragraph (4) and not less than \$2,000,000 per fiscal year to carry out projects related to all weather pavement markings. Amounts made available under this subsection shall remain available until expended and shall not be subject to any obligation limitation.

(f) SEISMIC RESEARCH PROGRAM.—

(1) **ESTABLISHMENT.**—The Secretary shall establish a program to study the vulnerability of highways, tunnels, and bridges on the Federal-aid system to earthquakes and develop and implement cost-effective methods of retrofitting such highways, tunnels, and bridges to reduce such vulnerability.

(2) **COOPERATION.**—The Secretary shall conduct the program under this section in cooperation with the National Center for Earthquake Research at the University of Buffalo.

(3) **FUNDING.**—Of amounts deducted under section 104(a) for each of fiscal years 1992, 1993, 1994, 1995, and 1996, the Secretary shall expend not more than \$4,000,000 in each of such fiscal years to carry out this subsection.

(4) **REPORT.**—Not later than 2 years after the date of the enactment of this section, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the progress and research findings of the program carried out under this section.

[e] (g) As used in this section the term "safety" includes, but is not limited to, highway safety systems, research, and development relating to vehicle, highway, and driver characteristics, accident investigations, communications, emergency medical care, and transportation of the injured.

[f] (h) The Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives in January 1983, and in January of every second year thereafter, estimates of the future highway needs of the Nation.

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§ 313. Highway Safety Promotion Program.

(a) **ESTABLISHMENT.**—The Secretary shall carry out research, development, and technology transfer activities to promote the safe operation and maintenance of commercial motor vehicles in interstate commerce.

(b) **GRANTS.**—To carry out the purposes of this section, the Secretary shall make grants to, and enter into cooperative agreements with, a not-for-profit membership organization that has been engaged exclusively in truck-related research and education since 1985.

(c) **FEDERAL SHARE.**—The Federal share of the costs of activities carried out under this section shall be 100 percent.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), \$1,000,000 for fiscal year 1992; \$1,150,000 for fiscal year 1993; \$1,300,000 for fiscal year 1994; \$1,450,000 for

fiscal year 1995; and \$1,600,000 for fiscal year 1996. Such funds shall remain available until expended and shall not be subject to any obligation limitation.

(e) **CONTRACT AUTHORITY.**—Notwithstanding any other provision of law, approval by the Secretary of a grant under this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the grant.

(f) **ANNUAL REPORT.**—Annually, beginning on January 1, 1993, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report which provides information on the progress and activities of the programs conducted under this section.

* * * * *

§ 321. National Highway Institute

[(a) The Secretary is authorized and directed to establish and operate in the Federal Highway Administration a National Highway Institute hereafter referred to as the "Institute". The Institute shall develop and administer, in cooperation with the State highway departments, training programs of instruction for Federal Highway Administration and State and local highway department employees engaged or to be engaged in Federal-aid highway work. Such programs may include, but not be limited to, courses in modern developments, techniques, and procedures, relating to highway planning, environmental factors, acquisition of rights-of-way, engineering, construction, maintenance, contract administration, and inspection. The Secretary shall administer all authority vested in him by this title or by any other provision of law for the development and conduct of educational and training programs relating to highways through the Institute. Sums authorized to be deducted for administrative purposes by subsection (a) of section 104 of this title shall be available for carrying out this subsection.

[(b) **SET ASIDE.**—Not to exceed $\frac{1}{4}$ of 1 percent of all funds apportioned to a State under sections 104(b)(1) and 104(b)(5) of this title shall be available for expenditure by the State highway department, subject to approval by the Secretary, for payment of not to exceed 75 percent of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

[(c) **FEDERAL RESPONSIBILITY.**—Education and training of Federal, State, and local highway employees authorized by this section shall be provided—

[(1) by the Secretary at no cost to the States and local governments for those subject areas which are a Federal program responsibility; or

[(2) in any case where such education and training are to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, institutions, individuals, and the Institute.]

§ 321. National Highway Institute

(a) **ESTABLISHMENT AND AUTHORITY TO CONDUCT TRAINING.**—The Secretary shall establish and operate in the Federal Highway Administration a National Highway Institute (hereinafter in this section referred to as the "Institute"). The Institute shall develop and administer, in cooperation with the State transportation or highway departments, and any national or international entity, training programs of instruction for Federal Highway Administration, State and local transportation and highway department employees, State and local police, public safety and motor vehicle employees, and United States citizens and foreign nationals engaged or to be engaged in highway work of interest to the United States. Programs may include courses in modern developments, techniques, management, and procedures relating to highway planning, environmental factors, acquisition of rights-of-way, relocation assistance, engineering, safety, construction, maintenance, contract administration, motor carrier activities, and inspection. The Secretary shall administer through the Institute the authority vested in the Secretary by this title or by any other provision of law for the development and conduct of education and training programs relating to highways.

(b) **SET-ASIDE.**—Not to exceed $\frac{1}{4}$ of 1 percent of funds apportioned under section 104(b)(1) to a State shall be available for expenditure by the State highway department for payment of not to exceed 80 percent of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

(c) **FEDERAL RESPONSIBILITY.**—Education and training of Federal, State and local highway employees authorized by this section shall be provided—

(1) by the Secretary at no cost to the States and local governments for those subject areas which are a Federal program responsibility; or

(2) in any case where education and training are to be paid for under (b) by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, institutions, individuals, and the Institute; except that private agencies and individuals shall pay the full cost of any education and training received by them.

(d) **TRAINING FELLOWSHIPS; COOPERATION; COLLECTION OF FEES.**—The Institute is authorized, subject to approval of the Secretary, to engage in all phases of contract authority for training purposes authorized by this section, including the granting of training fellowships. The Institute is also authorized to carry out its authority independently or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), any other national or international entity, or any other person. The Institute is authorized to establish and collect fees from any entity and place them in a special account for the purpose of this section.

(e) **FUNDS.**—The funds required to carry out this section may be from the sums deducted for administration purposes under section 104(a). The provisions of section 3709 of the Revised Statutes (41

U.S.C. 5) shall not be applicable to contracts or agreements made under the authority of this section. The sums provided pursuant to this subsection may be combined or held separate from the fees or memberships collected and be administered by the Secretary as a fund which shall be available until expended.

* * * * *

§ 325. Education and training program

(a) **AUTHORITY.**—The Secretary is authorized to carry out a transportation assistance program that will provide highway and transportation agencies, in urbanized areas of 50,000 to 1,000,000 population and in rural areas, access to modern highway technology.

(b) **GRANTS AND CONTRACTS.**—The Secretary may make grants and enter into direct contracts for education and training, technical assistance, and related support services that will—

(1) assist rural local transportation agencies to develop and expand their expertise in road and transportation areas, improve roads and bridges, enhance programs for the movement of passengers and freight, and deal effectively with specific road related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials;

(2) identify, package, and deliver usable highway technology to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with road related problems; and

(3) establish, in cooperation with State transportation or highway departments and universities, local technical assistance program centers to deliver technology and technology assistance to—

(A) local rural transportation agencies, and

(B) urban transportation agencies in States with 2 or more urbanized areas of 50,000 to 1,000,000 population.

The Secretary shall provide technical and financial support for the centers.

§ 326. International transportation outreach program

(a) **ACTIVITIES.**—The Secretary shall engage in activities to inform the domestic highway, transit, and intermodal transportation communities of technological innovations developed outside the United States that could significantly improve transportation in the United States, to promote United States transportation expertise internationally, and to increase transfers of United States transportation technology to foreign countries. Such activities may include—

(1) develop, monitor, assess, and domestically disseminate information about foreign transportation innovations that could significantly improve transportation in the United States;

(2) research, development, demonstration, training, and other forms of technology transfer and exchange;

(3) inform other countries about the technical quality of American transportation goods and services through participation in trade shows, seminars, expositions, and other such activities;

(4) offer, subject to recovery of Federal costs, those Department of Transportation technical services which cannot be readily obtained from the United States private sector to be incorporated into the proposals of United States firms undertaking foreign transportation projects; and

(5) conduct studies to assess the need for or feasibility of transportation improvements in countries that are not members of the Organization for Economic Cooperation and Development as of the date of the enactment of this section and in Greece and Turkey.

(b) **COOPERATION.**—The Secretary may carry out the authority granted by this section, either independently, or in cooperation with any other branch of the United States Government, State or local agency, authority, association, institution, corporation (profit or non-profit), foreign government, multinational institution, or any other organization or person.

(c) **FUNDS.**—The funds available to carry out the provisions of this section shall include funds deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The funds shall be available for promotional materials, travel, reception, and representation expenses necessary to carry out the activities authorized by this section. Reimbursements for services provided under this section shall be credited to the appropriation concerned.

CHAPTER 4.—HIGHWAY SAFETY

Sec.

401. Authority of the Secretary

402. Highway safety programs.

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[409. Admission as evidence of certain reports and surveys.

[410. Drunk driving prevention programs.]

409. Discovery and admission as evidence of certain reports and surveys.

410. Alcohol-impaired driving countermeasures.

411. State adoption of national safety belt and motorcycle helmet use requirements incentive grants.

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§ 402. Highway safety programs

[(a) Each State shall have a highway safety program approved by the Secretary, designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom. Such programs shall be in accordance with uniform guidelines promulgated by the Secretary. Such uniform guidelines shall be expressed in terms of performance criteria. Such uniform guidelines shall be promulgated by the Secretary so as to improve driver performance (including, but not limited to, driver education, driver testing to determine proficiency to operate motor vehicles, driver examinations (both physical and mental) and driver licensing) and to improve pedestrian performance, and bicycle safety. In addition such uniform guidelines shall include, but not be limited to provisions for an effective record system of accidents (including injuries and deaths resulting therefrom), accident investigations to determine the probable causes of accidents, injuries, and deaths, vehicle registration, oper-

ation, and inspection, highway design and maintenance (including lighting, markings, and surface treatment), traffic control, vehicle codes and laws, surveillance of traffic for detection and correction of high or potentially high accident locations, and emergency services. Such guidelines as are applicable to State highway safety programs shall, to the extent determined appropriate by the Secretary, be applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations.

[(b)(1) The Secretary shall not approve any State highway safety program under this section which does not—

[(A) provide that the Governor of the State shall be responsible for the administration of the program through a State highway safety agency which shall have adequate powers, and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program.

[(B) authorize political subdivisions of such State to carry out local highway safety programs within their jurisdictions as a part of the State highway safety program if such local highway safety programs are approved by the Governor and are in accordance with the uniform guidelines of the Secretary promulgated under this section.

[(C) provide that at least 40 per centum of all Federal funds apportioned under this section to such State for any fiscal year will be expended by the political subdivisions of such State in carrying out local highway safety programs authorized in accordance with subparagraph (B) of this paragraph.

[(D) provide adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State.

[(E) provide for programs (which may include financial incentives and disincentives) to encourage the use of safety belts by drivers of, and passengers in, motor vehicles.

[(2) The Secretary is authorized to waive the requirement of subparagraph (C) of paragraph (1) of this subsection, in whole or in part, for a fiscal year for any State whenever he determines that there is an insufficient number of local highway safety programs to justify the expenditure in such State of such percentage of Federal funds during such fiscal year.

[(c) Funds authorized to be appropriated to carry out this section shall be used to aid the States to conduct the highway safety programs approved in accordance with subsection (a), including development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom. Such funds shall be subject to a deduction not to exceed 5 per centum for the necessary costs of administering the provisions of this section, and the remainder shall be apportioned among the several States. Such funds shall be apportioned 75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio

which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this subsection, a "public road" means any road under the jurisdiction of and maintained by a public authority and open to public travel. Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary. The annual apportionment to each State shall not be less than one-half of 1 per centum of the total apportionment, except that the apportionments to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not be less than one-quarter of 1 per centum of the total apportionment. The Secretary shall not apportion any funds under the subsection to any State which is not implementing a highway safety program approved by the Secretary in accordance with this section. For the purpose of the seventh sentence of this subsection, a highway safety program approved by the Secretary shall not include any requirement that a State implement such a program by adopting or enforcing any law, rule or regulation based on a guideline promulgated by the Secretary under this section requiring any motorcycle operator eighteen years of age or older or passenger eighteen years of age or older to wear a safety helmet when operating or riding a motorcycle on the streets and highways of that State. Implementation of a highway safety program under this section shall not be construed to require the Secretary to require compliance with every uniform guideline, or with every element of every uniform guideline, in every State. Funds apportioned under this section to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 50 per centum of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approved such program or determines that the State is implementing an approved program, as appropriate. The Secretary shall consider the gravity of the State's failure to have or implement an approved program in determining the amount of the reduction. The Secretary shall promptly apportion to the State the funds withheld from its apportionment if he approves the State's highway safety program or determines that the State has begun implementing an approved program, as appropriate, prior to the end of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula specified in this subsection not later than 30 days after such determination.

[(d) All provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the highway safety funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section, and except that the aggregate of all expenditures made during any fiscal year by a State and its political subdi-

visions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project and except that, in the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, he may increase the Federal share of the cost thereof payable under this Act to the extent necessary. In applying such provisions of chapter 1 in carrying out this section the term "State highway department" as used in such provisions shall mean the Governor of a State for the purposes of this section.

[(e) Uniform guidelines promulgated by the Secretary to carry out this section shall be developed in cooperation with the States, their political subdivisions, appropriate Federal departments and agencies, and such other public and private organizations as the Secretary deems appropriate.

[(f) The Secretary may make arrangements with other Federal departments and agencies for assistance in the preparation of uniform guidelines for the highway safety programs contemplated by subsection (a) and in the administration of such programs. Such departments and agencies are directed to cooperate in such preparation and administration, on a reimbursable basis.

[(g) Nothing in this section authorizes the appropriation or expenditure of funds for (1) highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines) or (2) any purpose for which funds are authorized by section 403 of this title.

[(i) For the purpose of the application of this section on Indian reservations, "State" and "Governor of a State" includes the Secretary of the Interior and "political subdivision of a State" includes an Indian tribe: *Provided*, That notwithstanding the provisions of subparagraph (C) of subsection (b)(1) hereof, 95 per centum of the funds apportioned to the Secretary of the Interior after date of enactment, shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions: *And provided further*, That the provisions of subparagraph (E) of subsection (b)(1) hereof shall be applicable except in those tribal jurisdictions in which the Secretary determines such programs would not be practicable.

[(j) RULEMAKING PROCESS.—The Secretary shall, not later than September 1, 1987, begin a rulemaking process to determine those programs most effective in reducing accidents, injuries, and deaths. Not later than April 1, 1988, the Secretary shall promulgate a final rule establishing those programs determined to be most effective in reducing accidents, injuries, and deaths. If such is promulgated by April 1, 1988, then it shall take effect October 1, 1988. If such rule is not promulgated by April 1, 1988, it shall take effect October 1, 1989. After a rule is promulgated in accordance with this subsection, the Secretary may from time to time thereafter revise such rule under a rulemaking process described in the first sentence of this subsection. Any rule under this subsection shall be promulgat-

ed taking into account consideration of the States having a major role in establishing programs described in the first sentence of this subsection. When a rule promulgated in accordance with this subsection takes effect, only those programs established by such rule as most effective in reducing accidents, injuries, and deaths shall be eligible to receive Federal financial assistance under this section.

[(k)(1) Subject to the provisions of this subsection, the Secretary shall make a grant to any State which includes, as part of its highway safety program under section 402 of this title, the use of a comprehensive computerized safety recordkeeping system designed to correlate data regarding traffic accidents, drivers, motor vehicles, and roadways. Any such grant may only be used by such State to establish and maintain a comprehensive computerized traffic safety recordkeeping system or to obtain and operate components to support highway safety priority programs identified by the Secretary under this section. Notwithstanding any other provision of law, if a report, list, schedule, or survey is prepared by or for a State or political subdivision thereof under this subsection, such report, list, schedule, or survey shall not be admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report, list, schedule, or survey.]

[(2) No State may receive a grant under this subsection in more than two fiscal years.]

[(3) The amount of the grant to any State under this subsection or the first fiscal year such State is eligible for a grant under this subsection shall equal 10 per centum of the amount apportioned to such State for fiscal year 1985 under this section. The amount of a grant to any State under this subsection for the second for the second fiscal year such State is eligible for a grant under this subsection shall equal 10 per centum of the amount apportioned to such State for fiscal year 1986 under this section.]

[(4) A State is eligible for a grant under this subsection if—

[(A) it certifies to the Secretary that it has in operation a computerized traffic safety recordkeeping system and identifies proposed means of upgrading the system acceptable to the Secretary; or

[(B) it provides to the Secretary a plan acceptable to the Secretary or establishing and maintaining a computerized traffic safety recordkeeping system.]

[(5) The Secretary, after making the deduction authorized by the second sentence of subsection (c) of this section for fiscal year 1985 and 1986, shall set aside 10 per centum of the remaining funds authorized to be appropriated to carry out this section for the purpose of making grants under this subsection. Funds set aside under this subsection shall remain available for the fiscal year authorized and for the succeeding fiscal year and any amounts remaining unexpended at the end of such period shall be apportioned in accordance with the provision of subsection (c) of this section.]

§ 402. Highway safety programs

(a) REQUIREMENT.—

(1) IN GENERAL.—Each State shall have a highway safety program designed to reduce traffic accidents and deaths, injuries,

and property damage resulting therefrom approved by the Secretary in accordance with this section.

(2) **REQUIRED PROGRAMS.**—The Secretary may approve a State highway safety program under this section only if it includes the following programs:

(A) **DRUNK DRIVING PROGRAM.**—A program to reduce injuries and deaths resulting from persons driving motor vehicles while under the influence of alcohol or a controlled substance.

(B) **SPEEDING PROGRAM.**—A program to reduce injuries and death resulting from motor vehicles being driven at speeds in excess of posted speed limits.

(C) **OCCUPANT PROTECTION PROGRAM.**—A program to encourage the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles and to increase public awareness of the benefits of motor vehicles which are equipped with air bags.

(D) **EMERGENCY MEDICAL SERVICES PROGRAM.**—A program to provide an emergency care response system for quickly identifying motor vehicle accident locations, sustaining lives of persons injured in motor vehicle accidents through first aid at the scene of such accident and in transit, and coordinating the transportation and communications necessary to deliver medical care to such persons in the shortest practicable time without creating additional hazards.

(E) **UNIFORM DATA COLLECTION AND REPORTING PROGRAM.**—A program for collecting and reporting to the Secretary data on traffic-related deaths and injuries. The purposes of the program are to ensure national uniform data on such deaths and injuries and to allow the Secretary to determine the causes of such deaths and injuries for use in developing programs to reduce such deaths and injuries and making recommendations to Congress concerning legislation necessary to implement such programs. The program shall include information obtained by the Secretary under section 408 of the Surface Transportation Assistance Act of 1982 and provide for annual reports to the Secretary on the efforts being made by the States in reducing deaths and injuries occurring at highway construction sites and the effectiveness and results of such efforts. The Secretary shall establish minimum reporting criteria for the program. Such criteria shall include, but not be limited to, criteria on deaths and injuries resulting from police pursuits, school bus accidents, and speeding, on traffic-related deaths and injuries at highway construction sites and on the configuration of commercial motor vehicles involved in motor vehicle accidents.

(F) **ACCIDENT LOCATION PROGRAM.**—A program to provide surveillance of traffic for detection and correction of high or potentially high traffic accident locations and for establishing priorities for highway improvements, selective enforcement, and other operational practices to reduce or eliminate traffic hazards.

(G) **HIGHWAY DESIGN, CONSTRUCTION, AND MAINTENANCE PROGRAM.**—A program to maintain existing highways in a safe condition, to modernize existing highways to meet safety standards established by the Secretary (including standards for lighting, markings, and surface treatment), to ensure that new highways meet such standards, and to protect operators of motor vehicles and construction workers from accidents occurring at highway construction sites.

(H) **TRAFFIC ENGINEERING SERVICES PROGRAM.**—A program to ensure the application of modern traffic engineering principles and uniform traffic control standards for the purpose of reducing the likelihood and severity of traffic accidents.

(3) **OPTIONAL PROGRAMS.**—The Secretary may approve a State highway safety program under this section only if it includes 3 or more of the following programs:

(A) **BICYCLE SAFETY PROGRAMS.**—A program for reducing injuries and deaths resulting from traffic-related accidents involving bicycles.

(B) **PEDESTRIAN SAFETY PROGRAMS.**—A program for reducing injuries and deaths resulting from traffic-related accidents involving pedestrians and for including consideration of pedestrian safety in community and highway transportation planning.

(C) **SCHOOL BUS SAFETY PROGRAM.**—A program for reducing injuries and deaths resulting from accidents involving school buses.

(D) **TRAFFIC RECORD SYSTEM PROGRAM.**—A program for establishing, using, and improving the quality of a comprehensive computerized safety recordkeeping system designed to correlate data regarding traffic accidents, drivers, motor vehicles, and roadways, including a statewide trauma data system.

(E) **POLICE TRAFFIC SERVICES PROGRAM.**—A program to improve law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures.

(F) **MOTORCYCLE SAFETY PROGRAM.**—A program for reducing injuries and deaths resulting from accidents involving motor vehicles and motorcycles, for encouraging the use of motorcycle helmets by persons riding on motorcycles, and for ensuring that all motorcycles and persons riding on motorcycles are meeting safe operation and injury protection criteria established by the Secretary.

(G) **ADDITIONAL.**—Such other programs as the Secretary may establish by regulation.

(4) **ADMINISTRATIVE REQUIREMENTS.**—The Secretary may not approve a State highway safety program under this section which does not—

(A) provide that the Governor of the State shall be responsible for the administration of the program through a State highway safety agency which shall have adequate powers and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program;

(B) authorize political subdivisions of the State to carry out local highway safety programs within their jurisdictions as a part of the State highway safety program if such local highway safety programs are approved by the Governor and are in accordance with the minimum standards established by the Secretary under this section;

(C) except as provided in paragraph (5), provide that at least 40 percent of all Federal funds apportioned under this section to the State for any fiscal year will be expended by the political subdivisions of the State, including Indian tribal governments, in carrying out local highway safety programs authorized in accordance with subparagraph (B); and

(D) provide adequate and reasonable access for the safe and convenient movement of individuals with disabilities, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State.

(5) **WAIVER.**—The Secretary may waive the requirement of paragraph (4)(C), in whole or in part, for a fiscal year for any State whenever the Secretary determines that there is an insufficient number of local highway safety programs to justify the expenditure in the State of such percentage of Federal funds during the fiscal year.

(6) **REGULATIONS.**—

(A) **IN GENERAL.**—The Secretary shall issue regulations establishing minimum standards for State highway safety programs to be approved under this section. Such regulations shall establish minimum standards for each program described in paragraphs (2) and (3) of this subsection.

(B) **MANDATORY COMPONENTS.**—The regulations issued under this paragraph shall require, at a minimum, that the programs described in paragraphs (2)(A), (2)(B), (2)(C), and (3)(E) each include the following components: public information, education, and law enforcement.

(C) **AUTOMATIC SPEED DETECTION DEVICES.**—Regulations issued under this paragraph may require a State highway safety program to include adoption and enforcement of State laws authorizing the use of automatic speed detection devices by law enforcement officers.

(7) **APPLICABILITY TO FEDERALLY ADMINISTERED AREAS.**—The requirements of this section and the regulations issued to carry out this section which are applicable to State highway safety programs shall, to the extent determined appropriate by the Secretary, be applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations.

(b) **USE OF FUNDS.**—

(1) **FOR HIGHWAY SAFETY PROGRAMS.**—Funds authorized to be appropriated to carry out this section shall be used to aid the States to conduct the highway safety programs approved in accordance with subsection (a), including development and implementation of manpower training programs and of demonstration programs that the Secretary determines will contribute di-

rectly to the reduction of accidents and deaths and injuries resulting therefrom.

(2) **ADMINISTRATIVE EXPENSES.**—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section, and the remainder shall be apportioned among the several States.

(3) **PROHIBITIONS ON FUNDING OF HIGHWAY CONSTRUCTION PROJECTS.**—Nothing in this section authorizes the appropriation or expenditure of funds for (A) highway construction, maintenance, or design (other than design of safety features of highways), or (B) any purpose for which funds are authorized by section 403 of this title.

(c) **APPORTIONMENT OF FUNDS.**—

(1) **FORMULA.**—After the deduction under subsection (b)(2), the remainder of the funds authorized to be appropriated to carry out this section shall be apportioned 75 percent in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 percent in the ratio which the public road mileage in each State bears to the total public road mileage in all States.

(2) **DETERMINATION OF PUBLIC ROAD MILEAGE.**—For purposes of this subsection, a 'public road' means any road under the jurisdiction of and maintained by a public authority and open to public travel. Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary.

(3) **MINIMUM PERCENTAGE.**—The annual apportionment under this paragraph to each State shall not be less than $\frac{1}{2}$ of 1 percent of the total apportionment; except that the apportionments to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not be less than $\frac{1}{4}$ of 1 percent of the total apportionment.

(4) **APPROVED HIGHWAY SAFETY PROGRAM REQUIREMENT.**—The Secretary shall not apportion any funds under this subsection to any State which is not implementing a highway safety program approved by the Secretary in accordance with this section.

(5) **REDUCTION OF APPORTIONMENT.**—Funds apportioned under this section to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 50 percent of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate. The Secretary shall consider the gravity of the State's failure to have or implement an approved program in determining the amount of the reduction.

(6) **APPORTIONMENT OF WITHHELD FUNDS.**—The Secretary shall promptly apportion to the State the funds withheld from its apportionment if the Secretary approves the State's highway

safety program or determines that the State has begun implementing an approved program, as appropriate, prior to the end of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula specified in this subsection not later than 30 days after such determination.

(d) APPLICABILITY OF CHAPTER 1.—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the highway safety funds authorized to be appropriated to carry out this section.

(2) **INCONSISTENT PROVISIONS.**—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

(3) **CREDIT FOR STATE AND LOCAL EXPENDITURES.**—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

(4) **INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.**—In the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

(5) **TREATMENT OF TERM 'STATE HIGHWAY DEPARTMENT'.**—In applying provisions of chapter 1 in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State.

(e) **APPLICATION TO INDIAN RESERVATIONS.**—For the purpose of the application of this section on Indian reservations, "State" and "Governor of a State" includes the Secretary of the Interior and "political subdivision of a State" includes an Indian tribe. Notwithstanding the provisions of subsection (a)(4)(C), 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions.

(f) **PROTECTION OF TRAFFIC RECORD SYSTEM DATA.**—Notwithstanding any other provision of law, if a report, list, schedule, or survey is prepared by or for a State or political subdivision thereof under subsection (a)(3)(D) and subsection (a)(2)(E), such report, list, schedule, or survey shall not be admitted as evidence or used in any

suit or action for damages arising out of any matter mentioned in such report, list, schedule, or survey.

(g) **ANNUAL REPORT.**—Not later than April 1 of each calendar year beginning after December 31, 1993, the Secretary shall transmit to Congress a report on the implementation of this section in the fiscal year preceding the date of such report. Such report shall include the recommendations of the Secretary under the uniform data collection and reporting program described in subsection (a)(2)(E) of this section for legislation necessary to implement programs developed by the Secretary to reduce traffic-related deaths and injuries.

§ 403. Highway safety research and development

[(a) The Secretary is authorized to use funds appropriated to carry out this subsection to carry out safety research which he is authorized to conduct by subsection (a) of section 307 of this title. In addition, the Secretary may use the funds appropriated to carry out this section, either independently or in cooperation with other Federal departments or agencies, for making grants to or contracting with State or local agencies, institutions, and individuals for (1) training or education of highway safety personnel, (2) research fellowships in highway safety, (3) development of improved accident investigation procedures, (4) emergency service plans, (5) demonstration projects, and (6) related activities which the Secretary deems will promote the purposes of this section. The Secretary shall assure that no fees are charged for any meetings or services attendant thereto or other activities relating to training and education of highway safety personnel.

[(b) In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

[(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles; and

[(2) Driver behavior research, including the characteristics of driver performance the relationships of mental and physical abilities or disabilities to the driving task, and the relationship of frequency of driver accident involvement to highway safety.]

(a) **AUTHORITY OF THE SECRETARY.**—

(1) **IN GENERAL.**—The Secretary is authorized to use funds appropriated to carry out this section to engage in research on all phases of highway safety and traffic conditions.

(2) **ADDITIONAL AUTHORITY.**—In addition, the Secretary may use the funds appropriated to carry out this section, either independently or in cooperation with other Federal departments or agencies, for—

(A) training or education of highway safety personnel,

(B) research fellowships in highway safety,

(C) development of improved accident investigation procedures,

(D) emergency service plans,

(E) demonstration projects, and

(F) related research and development activities which the Secretary deems will promote the purposes of this section.

(3) *SAFETY DEFINED.*—As used in this section, the term "safety" includes highway safety and highway safety-related research and development, including research and development relating to highway and driver characteristics, crash investigations, communications, emergency medical care, and transportation of the injured.

(b) *DRUGS AND DRIVER BEHAVIOR.*—In addition to the research authorized by subsection (a), the Secretary, in consultation with other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles.

(2) Driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities or disabilities to the driving task, and the relationship of frequency of driver crash involvement to highway safety.

* * * * *

[(f) In addition to the research authorized by subsection (a) of this section, the Secretary shall carry out research, development, and demonstration projects to improve and evaluate the effectiveness of various types of driver education programs in reducing traffic accidents and deaths, injuries, and property damage resulting therefrom. The research, development, and demonstration projects authorized by this subsection may be carried out by the Secretary through grants and contracts with public and private agencies, institutions, and individuals. The Secretary shall report to the Congress by July 1, 1975, and each year thereafter during the continuance of the program, on the research, development, and demonstration projects authorized by this subsection, and shall include in such report an evaluation of the effectiveness of driver education programs in reducing traffic accidents and deaths, injuries, and property damage resulting therefrom.]

(f) *COLLABORATIVE RESEARCH AND DEVELOPMENT.*—

(1) *IN GENERAL.*—For the purpose of encouraging innovative solutions to highway safety problems, stimulating voluntary improvements in highway safety, and stimulating the marketing of new highway safety-related technology by private industry, the Secretary is authorized to undertake, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments, colleges, and universities and corporations, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State or the United States. This collaborative research may include crash data collection and analysis; driver and pedestrian behavior; and demonstrations of technology.

(2) *COOPERATIVE AGREEMENTS.*—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements, as defined in section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a);

except that in entering into such agreements, the Secretary may agree to provide not more than 50 percent of the cost of any research or development project selected by the Secretary under this subsection.

(3) **PROJECT SELECTION.**—In selecting projects to be conducted under this subsection, the Secretary shall establish a procedure to consider the views of experts and the public concerning the project areas.

(4) **APPLICABILITY OF STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT.**—The research, development, or utilization of any technology pursuant to an agreement under the provisions of this subsection, including the terms under which technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980.

* * * * *

[§ 409. Admission as evidence of certain reports and surveys]

§ 409. Discovery and admission as evidence of certain reports and surveys

Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled for the purpose of identifying, evaluating, or planning the safety enhancement of potential accident sites, hazardous roadway conditions, or railway-highway crossings, pursuant to section 130, 144, and 152 of this title or for the purpose of developing any highway safety construction improvement project which may be implemented utilizing Federal-aid highway funds shall not be [admitted into evidence in Federal or State court] *subject to discovery or admitted into evidence in a Federal or State court proceeding* or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.

[§ 410. Drunk driving prevention programs]

[(a) **GENERAL AUTHORITY.**—Subject to the provisions of this section and to the extent provided in advance in appropriation Acts, the Secretary shall make basic and supplemental grants to those States which adopt and implement drunk driving prevention programs which include measures described in this section to improve the effectiveness of the enforcement of laws the purpose of which are to discourage individuals from operating motor vehicles while under the influence of alcohol. Such grants may only be used by recipient States to implement and enforce such programs.

[(b) **MAINTENANCE OF EFFORT.**—No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for drunk driving prevention programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this section.

[(c) **FEDERAL SHARE.**—No State may receive grants under this section in more than 3 fiscal years. The Federal share payable for any grant under this section shall not exceed—

[(1) in the first fiscal year a State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year the drunk driving prevention program adopted by the State pursuant to subsection (a) of this section;

[(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

[(3) in the third fiscal year the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.

[(d) **MAXIMUM AMOUNT OF BASIC GRANTS.**—Subject to subsection (c) of this section, the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e) of this section shall not exceed 30 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title.

[(e) **ELIGIBILITY FOR BASIC GRANTS.**—For purposes of this section, a State is eligible for a basic grant if such State provides—

[(1) for an expedited driver's license suspension or revocation system for individuals who operate motor vehicles while under the influence of alcohol which requires that—

[(A) when a law enforcement officer has probable cause under State law to believe an individual has committed an alcohol-related traffic offense and such individual is determined, on the basis of a chemical test, to have been under the influence of alcohol while operating the motor vehicle or refuses to submit to such a test as proposed by the officer, the officer serve such individual with a written notice of suspension or revocation of the driver's license of such individual and take possession of such driver's license;

[(B) the notice of suspension or revocation referred to in subparagraph (A) provide information on the administrative procedures under which the State may suspend or revoke in accordance with the objectives of this section a driver's license of an individual for operating a motor vehicle while under the influence of alcohol and specify any rights of the operator under such procedures;

[(C) the State provide, in the administrative procedures referred to in subparagraph (B), for due process of law, including the right to an administrative review of a driver's license suspension or revocation;

[(D) after serving notice and taking possession of a driver's license in accordance with subparagraph (A), the law enforcement officer immediately report to the State entity responsible for administering drivers' licenses all information relevant to the action taken in accordance with this paragraph;

[(E) in the case of an individual who, in any 5-year period beginning after the date of the enactment of this section, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence

of alcohol or is determined to have refused to submit to such a test as proposed by the law enforcement officer, the State entity responsible for administering driver's licenses, upon receipt of the report of the law enforcement officer—

[(i) suspend the driver's license of such individual for a period of not less than 90 days if such individual is a first offender in such 5-year period; and

[(ii) suspend the driver's license of such individual for a period of not less than 1 year, or revoke such license, if such individual is a repeat offender in such 5-year period; and

[(F) the suspension and revocation referred to under subparagraph (D) take effect not later than—

[(i) 15 days after the day on which the individual first received notice of the suspension or revocation in accordance with subparagraph (B); or

[(ii) 30 days after the day on which the individual first received notice of the suspension or revocation in accordance with subparagraph (B) if the Secretary determines that the requirements of clause (i) would impose a hardship upon the State; and

[(2) for a self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned, or an equivalent amount of non-Federal funds are provided, to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

[(f) SUPPLEMENTAL GRANT PROGRAMS.—

[(1) MANDATORY BLOOD ALCOHOL CONCENTRATION TESTING PROGRAMS.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c) of this section, not to exceed 10 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State provides for mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in an accident resulting in the loss of human life or, as determined by the Secretary, serious bodily injury, has committed an alcohol-related traffic offense.

[(2) PROGRAM FOR PREVENTION OF OPERATORS UNDER AGE 21 FROM OBTAINING ALCOHOLIC BEVERAGES.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c) of this section, not to exceed 10 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State provides for an effective system for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages, which may include the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals 21 years of age and older.

[(3) UNLAWFUL OPEN CONTAINER AND CONSUMPTION OF ALCOHOL PROGRAMS.]—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c) of this section, not to exceed 25 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State makes unlawful the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway, except—

[(A)] as allowed in the passenger area, by persons (other than the driver), of any motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers; or

[(B)] as otherwise specifically allowed by such State, with the approval of the Secretary, but in no event may the driver of such motor vehicle be allowed to possess or consume an alcoholic beverage in the passenger area.

[(4) SUSPENSION OF REGISTRATION AND RETURN OF LICENSE PLATE PROGRAM.]—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c) of this section, not to exceed 10 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State provides for the suspension of the registration of, and the return to such State of the license plates for, any motor vehicle owned by an individual who—

[(A)] has been convicted on more than 1 occasion of an alcohol-related traffic offense within any 5-year period after the date of the enactment of this section; or

[(B)] has been convicted of driving while his or her driver's license is suspended or revoked by reason of a conviction for such an offense.

A State may provide limited exceptions to such suspension of registration or return of license plates, on an individual basis, to avoid undue hardship to any individual, including any family member of the convicted individual, and any co-owner of the motor vehicle, who is completely dependent on the motor vehicle for the necessities of life. Such exceptions may not result in unrestricted reinstatement of the registration or unrestricted return of the license plates of the motor vehicle.

[(5) GRANTS AS BEING IN ADDITION TO OTHER GRANTS.]—A supplemental grant under this section shall be in addition to any basic grant or any other supplemental grant received by such State.

[(g) DEFINITIONS.]—As used in this section—

[(1) ALCOHOLIC BEVERAGE.]—The term “alcoholic beverage” has the meaning such term has under section 158(c) of this title.

[(2) MOTOR VEHICLE.]—The term “motor vehicle” has the meaning such term has under section 154(b) of this title.

[(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term “open alcoholic beverage container” means any bottle, can, or other receptacle—

[(A) which contains any amount of an alcoholic beverage; and

[(B)(i) which is open or has a broken seal, or

[(ii) the contents of which are partially removed.

[(h) AUTHORIZATIONS OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 1989 and \$50,000,000 per fiscal year for each of fiscal years 1990 and 1991. Such sums shall remain available until expended.]

§ 410. Alcohol-impaired driving countermeasures

(a) *GENERAL AUTHORITY.*—Subject to the provisions of this section, the Secretary shall make grants to those States which adopt and implement effective programs to reduce traffic safety problems resulting from persons driving while under the influence of alcohol or a controlled substance. Such grants may only be used by recipient States to implement and enforce such programs.

(b) *MAINTENANCE OF EFFORT.*—No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of the Intermodal Surface Transportation Infrastructure Act of 1991.

(c) *BASIC GRANT ELIGIBILITY.*—A State is eligible for a basic grant under this section in a fiscal year if such State provides—

(1) for the prompt suspension, for a period not less than 90 days in the case of a first offender and not less than 1 year in the case of any repeat offender, of the driver's license of any individual who a law enforcement officer has probable cause under State law to believe has committed an alcohol-related traffic offense, and (A) to whom is administered one or more chemical tests to determine whether the individual was intoxicated while operating the motor vehicle and who is determined, as a result of such tests, to be intoxicated, or (B) who refuses to submit to such a test as proposed by the officer;

(2) that the suspension referred to under paragraph (1) take effect not later than 30 days after the date on which the individual was administered the chemical test or tests or refused to submit to such a test;

(3) for a mandatory sentence, which shall not be subject to suspension or probation, of (A) imprisonment for not less than 48 consecutive hours, or (B) not less than 100 days of community service, of any person convicted of driving while intoxicated more than once in any 5-year period;

(4)(A) that, for fiscal years 1992 and 1993, any person with a blood alcohol concentration of 0.10 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated; and

(B) that, for fiscal years 1994 and thereafter, any person with a blood alcohol concentration of 0.08 percent or greater when

driving a motor vehicle shall be deemed to be driving while intoxicated;

(5) for a statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether or not the operators of such motor vehicles are driving while under the influence of alcohol; and

(6) for a self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned, or an equivalent amount of non-Federal funds are provided, to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

(d) **AMOUNT OF BASIC GRANTS.**—The amount of a basic grant to be made in a fiscal year under this section to a State eligible to receive such grant shall be 80 percent of the amount of funds apportioned to such State in such fiscal year under this section.

(e) **SUPPLEMENTAL GRANTS.**—

(1) **BLOOD ALCOHOL CONCENTRATION FOR PERSONS UNDER AGE 21.**—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and provides that any person under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.

(2) **OPEN CONTAINER LAWS.**—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and makes unlawful the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway, except—

(A) as allowed in the passenger area, by persons (other than the driver), of any motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers; or

(B) as otherwise specifically allowed by such State, with the approval of the Secretary, but in no event may the driver of such motor vehicle be allowed to possess or consume an alcoholic beverage in the passenger area.

(3) **SUSPENSION OF REGISTRATION OR RETURN OF LICENSE PLATES.**—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and provides that for the suspension of the registration of, and the return to such State of the license plates for, or for impoundment of not less than 30 days of any motor vehicle owned by an individual who—

(A) has been convicted on more than 1 occasion of an alcohol-related traffic offense within any 5-year period after

the date of the enactment of the Intermodal Surface Transportation Infrastructure Act of 1991; or

(B) has been convicted of driving while his or her driver's license is suspended or revoked by reason of a conviction for such an offense.

A State may provide limited exceptions to such suspension of registration, return of license plates, or impoundment on an individual basis, to avoid undue hardship to any individual, including any family member of the convicted individual, and any co-owner of the motor vehicle, who is completely dependent on the motor vehicle for the necessities of life. Such exceptions may not result in unrestricted reinstatement of the registration, unrestricted return of the license plates of the motor vehicle, or unrestricted return of the motor vehicle.

(4) **PROGRAM FOR PREVENTION OF OPERATORS UNDER AGE 21 FROM OBTAINING ALCOHOLIC BEVERAGES.**—A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section if the State is eligible for a basic grant in the fiscal year and provides for an effective system for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages, which may include the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 years of age or older.

(f) **ADMINISTRATIVE EXPENSES.**—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section, and the remainder shall be apportioned among the several States.

(g) **APPORTIONMENT OF FUNDS.**—

(1) **FORMULA.**—After the deduction under subsection (f), the remainder of the funds authorized to be appropriated to carry out this section shall be apportioned 75 percent in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 percent in the ratio which the public road mileage in each State bears to the total public road mileage in all States.

(2) **DETERMINATION OF PUBLIC ROAD MILEAGE.**—For purposes of this subsection, a "public road" means any road under the jurisdiction of and maintained by a public authority and open to public travel. Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary.

(3) **MINIMUM PERCENTAGE.**—The annual apportionment under this paragraph to each State shall not be less than $\frac{1}{2}$ of 1 percent of the total apportionment; except that the apportionments to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not be less than one-quarter of 1 percent of the total apportionment.

(4) **REAPPORTIONMENT OF NONELIGIBLE STATE FUNDS.**—If a State is not eligible for a basic grant or for a supplemental grant under this section in a fiscal year, the amount of funds apportioned to the State in the fiscal year to make such grant shall be reapportioned to the other States eligible to receive such a grant in the fiscal year in accordance with the formula specified in this subsection. The reapportionment shall be made on the first day of the succeeding fiscal year.

(h) **APPLICABILITY OF CHAPTER 1.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section.

(2) **INCONSISTENT PROVISIONS.**—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

(3) **CREDIT FOR STATE AND LOCAL EXPENDITURES.**—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

(4) **INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.**—In the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

(5) **TREATMENT OF TERM "STATE HIGHWAY DEPARTMENT".**—In applying provisions of chapter 1 in carrying out this section, the term "State highway department" as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.

(i) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **ALCOHOLIC BEVERAGE.**—The term "alcoholic beverage" has the meaning such term has under section 158(c) of this title.

(2) **MOTOR VEHICLE.**—The term "motor vehicle" has the meaning such term has under section 154(b) of this title.

(3) **OPEN ALCOHOLIC BEVERAGE CONTAINER.**—The term "open alcoholic beverage container" means any bottle, can, or other receptacle—

(A) which contains any amount of an alcoholic beverage; and

(B)(i) which is open or has a broken seal, or

(ii) the contents of which are partially removed.

§ 411. State adoption of national safety belt and motorcycle helmet use requirements incentive grants

(a) **AUTHORITY TO MAKE GRANTS.**—The Secretary may make grants to a State in a fiscal year in accordance with this section if the State has in effect in such fiscal year—

(1) a law which makes unlawful throughout the State the operation of a motorcycle by an individual who is not wearing a motorcycle helmet; and

(2) a law which makes unlawful throughout the State the operation of a passenger vehicle whenever an individual in a front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly fastened about the individual's body.

(b) **USE OF GRANTS.**—A grant made to a State under this section shall be used to adopt and implement a traffic safety program to carry out the following purposes:

(1) **EDUCATION.**—To educate the public about motorcycle and passenger vehicle safety and motorcycle helmet, safety belt, and child restraint system use and to involve public health education agencies and other related agencies in these efforts.

(2) **TRAINING.**—To train law enforcement officers in the enforcement of State laws described in subsection (a).

(3) **MONITORING.**—To monitor the rate of compliance with State laws described in subsection (a).

(4) **ENFORCEMENT.**—To enforce State laws described in subsection (a).

(c) **MAINTENANCE OF EFFORT.**—A grant may not be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for any traffic safety program described in subsection (b) at or above the average level of such expenditures in the State's 2 fiscal years preceding the date of the enactment of this section.

(d) **FEDERAL SHARE.**—A State may not receive a grant under this section in more than 3 fiscal years. The Federal share payable for a grant under this section shall not exceed—

(1) in the first fiscal year the State receives a grant, 75 percent of the cost of implementing in such fiscal year a traffic safety program described in subsection (b);

(2) in the second fiscal year the State receives a grant, 50 percent of the cost of implementing in such fiscal year such traffic safety program; and

(3) in the third fiscal year the State receives a grant, 25 percent of the cost of implementing in such fiscal year such traffic safety program.

(e) **MAXIMUM AGGREGATE AMOUNT OF GRANTS.**—The aggregate amount of grants made to a State under this section shall not exceed 90 percent of the amount apportioned to such State for fiscal year 1990 under section 402.

(f) **ELIGIBILITY FOR GRANTS.**—

(1) **GENERAL RULE.**—A State is eligible in a fiscal year for a grant under this section only if the State enters into such agree-

ments with the Secretary as the Secretary may require to ensure that the State implements in such fiscal year a traffic safety program described in subsection (b).

(2) **SECOND-YEAR GRANTS.**—A State is eligible for a grant under this section in a fiscal year succeeding the first fiscal year in which a State receives a grant under this section only if the State in the preceding fiscal year—

(A) had in effect at all times a State law described in subsection (a)(1) and achieved a rate of compliance with such law of not less than 65 percent; and

(B) had in effect at all times a State law described in subsection (a)(2) and achieved a rate of compliance with such law of not less than 70 percent.

(3) **THIRD-YEAR GRANTS.**—A State is eligible for a grant under this section in a fiscal year succeeding the second fiscal year in which a State receives a grant under this section only if the State in the preceding fiscal year—

(A) had in effect at all times a State law described in subsection (a)(1) and achieved a rate of compliance with such law of not less than 80 percent; and

(B) had in effect at all times a State law described in subsection (a)(2) and achieved a rate of compliance with such law of not less than 85 percent.

(g) **MEASUREMENTS OF RATES OF COMPLIANCE.**—For the purposes of subsections (f)(2) and (f)(3), a State shall measure compliance with State laws described in subsection (a) using methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

(h) **PENALTY.**—

(1) **FISCAL YEAR 1995.**—If, at any time in fiscal year 1994, a State does not have in effect a law described in subsection (a)(1) and a law described in subsection (a)(2), the Secretary shall transfer $1\frac{1}{2}$ percent of the funds apportioned to the State for fiscal year 1995 under each of subsections (b)(1), (b)(2), and (b)(6) of section 104 of this title to the apportionment of the State under section 402 of this title.

(2) **THEREAFTER.**—If, at any time in a fiscal year beginning after September 30, 1994, a State does not have in effect a law described in subsection (a)(1) and a law described in subsection (a)(2), the Secretary shall transfer 3 percent of the funds apportioned to the State for the succeeding fiscal year under each of subsections (b)(1), (b)(2), and (b)(6) of section 104 of this title to the apportionment of the State under section 402 of this title.

(i) **DEFINITIONS.**—For the purposes of this section, the following definitions apply:

(1) **CHILD RESTRAINT SYSTEM.**—The term “child restraint system” means a device which is designed for use in a passenger vehicle to restrain, seat, or position a child who weighs 50 pounds or less and is under the age of 4.

(2) **MOTORCYCLE.**—The term “motorcycle” means a motor vehicle which is designed to travel on not more than 3 wheels in contact with the surface.

(3) **MOTOR VEHICLE.**—The term “motor vehicle” has the meaning such term has under section 154 of this title.

(4) **PASSENGER VEHICLE.**—The term "passenger vehicle" means a motor vehicle which is designed for transporting 10 individuals or less, including the driver, except that such term does not include a vehicle which is constructed on a truck chassis, a motorcycle, a trailer, or any motor vehicle which is not required on the date of the enactment of this section under a Federal motor vehicle safety standard to be equipped with a belt system.

(5) **SAFETY BELT.**—The term "safety belt" means—

(A) with respect to open-body passenger vehicles, including convertibles, an occupant restrain system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

(B) with respect to other passenger vehicles, an occupant restrain system consisting of integrated lap shoulder belts.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$40,000,000 for fiscal year 1992, \$30,000,000 for fiscal year 1993, and \$25,000,000 for fiscal year 1994.

(k) **APPLICABILITY OF CHAPTER 1 PROVISIONS.**—All provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditures of such funds to Federal-aid systems, shall apply to funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section and except that sums authorized by this section shall remain available until expended.

* * * * *

SECTION 108 OF THE FEDERAL-AID HIGHWAY ACT OF 1956

SEC. 108. NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS.

* * * * *

(b) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of expediting the construction, reconstruction, or improvement, inclusive of necessary bridges and tunnels, of the Interstate System, including extensions thereof through urban areas, designated in accordance with the provisions of subsection (d) of section 103 of title 23, United States Code, there is hereby authorized to be appropriated the additional sum of \$1,000,000,000 for the fiscal year ending June 30, 1957, which sum shall be in addition to the authorization heretofore made for that year, the additional sum of \$1,700,000,000 for the fiscal year ending June 30, 1958, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1959, the additional sum of \$2,500,000,000 for the fiscal year ending June 30, 1960, the additional sum of \$1,800,000,000 for the fiscal year ending June 30, 1961, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1962, the additional sum of \$2,400,000,000 for the fiscal year ending June 30, 1963, the additional sum of \$2,600,000,000 for the fiscal year ending June 30, 1964, the additional sum of \$2,700,000,000 for the fiscal year ending June 30, 1965, the additional sum of \$2,800,000,000 for the fiscal year ending June 30, 1966, the additional sum of \$3,000,000,000 for the fiscal

year ending June 30, 1967, the additional sum of \$3,400,000,000 for the fiscal year ending June 30, 1968, the additional sum of \$3,800,000,000 for the fiscal year ending June 30, 1969, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1970, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1971, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1972, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1973, the additional sum of \$2,600,000,000 for the fiscal year ending June 30, 1974, the additional sum of \$3,000,000,000 for the fiscal year ending June 30, 1975, the additional sum of \$3,000,000,000 for the fiscal year ending June 30, 1976, the additional sum of \$3,250,000,000 for the fiscal year ending June 30, 1977, the additional sum of \$3,250,000,000 for the fiscal year ending September 30, 1978, the additional sum of \$3,250,000,000 for the fiscal year ending September 30, 1979, the additional sum of \$3,250,000,000 for the fiscal year ending September 30, 1980, the additional sum of \$3,500,000,000 for the fiscal year ending September 30, 1981, the additional sum of \$3,500,000,000 for the fiscal year ending September 30, 1982, the additional sum of \$3,200,000,000 for the fiscal year ending September 30, 1983, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1984, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1985, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1986, the additional sum of \$4,000,000,000 for the fiscal year ending September 30, 1987, the additional sum of \$3,000,000,000 for the fiscal year ending September 30, 1988, the additional sum of \$3,150,000,000 for the fiscal year ending September 30, 1989, the additional sum of \$3,150,000,000 for the fiscal year ending September 30, 1990, the additional sum of \$3,150,000,000 for the fiscal year ending September 30, 1991, the additional sum of \$3,150,000,000 for the fiscal year ending September 30, 1992, [and the additional sum of \$1,400,000,000 for the fiscal year ending September 30, 1993,] *the additional sum of \$2,200,000,000 for the fiscal year ending September 30, 1993, the additional sum of \$1,800,000,000 for the fiscal year ending September 30, 1994, the additional sum of \$1,800,000,000 for the fiscal year ending September 30, 1995, the additional sum of \$1,500,000,000 for the fiscal year ending September 30, 1996, and the additional sum of \$800,000,000 for the fiscal year ending September 30, 1997.* Nothing in this subsection shall be construed to authorize the appropriation of any sums to carry out section 131, 136, or 319(b) of title 23, United States Code, or any provision of law relating to highway safety enacted after May 1, 1966. Beginning with funds authorized to be appropriated for fiscal year 1980, no such funds shall be available for projects to expand or clear zones immediately adjacent to the paved roadway of routes designed prior to February 1967. Effective on and after the date of enactment of this sentence, the obligation of funds authorized by this subsection, except for advance construction interstate projects approved before the date of enactment of this sentence, shall be limited to the construction necessary to provide a minimum level of acceptable service on the Interstate System which shall consist of (1) full assess control; (2) a pavement design to accommodate the types and volumes of traffic anticipated for the twenty-year period from date of authorization of the initial

basic construction contract; (3) essential environmental requirements; (4) a design of not more than six lanes (exclusive of high occupancy vehicle lanes) in rural areas and all urbanized areas under four hundred thousand population, and up to the eight lanes (exclusive of high occupancy vehicle lanes) in urbanized areas of four hundred thousand population or more as shown in the 1980 Federal census; and (5) those high occupancy vehicle lanes (including approaches and all directly related facilities) included in the interstate cost estimate for fiscal year 1981. The obligation of funds authorized by this subsection shall be further limited to the actual costs of only those design concepts, locations, geometrics, and other construction features included in the 1981 interstate cost estimate, except in any case where the Secretary of Transportation determines that a provision of Federal law requires a different design, location, geometric, or other construction feature of a type authorized by this subsection. Notwithstanding any other provision of law, including any other provision of this subsection, where a project is to be construed (1) to provide parking garage ramps in conjunction with high occupancy vehicle lanes which flow into a distributor system emptying directly into ramps for off-street parking with preferential parking for carpools, vanpools, and buses and the ramps are part of an environmental mitigation effort and are designed to feed into an aerial walkway system, or (2) to provide a parking lot near the terminus of an Interstate System spur route which radiates from an Interstate System beltway which will be used as an intermodal transfer facility for a light rail transit project to be constructed in the median of the spur route and the parking lot is part of an environmental mitigation effort, or (3) to provide a parking garage and associated facilities as part of an intermodal transfer facility with a transit system near or within an Interstate System route right-of-way which will have direct and indirect access to the facility by way of local streets and the parking garage and associated facilities are part of an environmental mitigation effort, or (4) to provide for the comprehensive upgrading of existing high occupancy vehicle lanes, new ramps and parking facilities at mass transit intermodal transfer points on an existing Interstate System route which has temporary high occupancy vehicle lanes in the median and the parking facilities and ramps are part of an environmental mitigation effort, the costs of such parking garage ramps, parking lots, parking garages, associated interchange ramps, high occupancy vehicle lanes, and other associated work eligible under title 23, United States Code, shall be eligible for funds authorized by this subsection as if the costs for these projects were included in the 1981 interstate cost estimate and shall be included as eligible projects in any future interstate cost estimate. For purposes of this subsection, construction necessary to provide a minimum level of acceptable service on the Interstate System shall include, but not be limited to, any construction on the Interstate System which is required under a court order issued before the date of enactment of this sentence. Notwithstanding the fifth sentence of this subsection, the costs of a project which will upgrade an interstate route and will complete a gap on the Interstate System providing access to an international airport and which was described as the preferred alternative in a final environ-

mental impact statement submitted to the Secretary of Transportation on September 30, 1983, shall be eligible for funds authorized by this subsection as if such costs were included in the 1981 interstate cost estimate and shall be included as eligible costs in any future interstate cost estimate, except that (1) such costs may be further developed in the design and environmental process under normal Federal-aid interstate procedures, and (2) the amount of such costs shall not include the portion of the project between High Street and Causeway Street.

SECTION 3 OF THE ACT OF OCTOBER 26, 1951

AN ACT Granting the consent of Congress to a compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey concerning a bridge across the Delaware River to provide a connection between the Pennsylvania Turnpike System and the New Jersey Turnpike, and for other purposes

SEC. 3. If the Pennsylvania Turnpike Commission shall finance the construction of all or a part of said bridge, said commission is hereby authorized to combine said bridge or such part with the Pennsylvania Turnpike System or any part thereof for financing purposes and to fix, charge, and collect tolls for the use of said bridge and to pledge such tolls in accordance with the provisions of the laws of the Commonwealth of Pennsylvania which relate to said commission or to said Pennsylvania Turnpike System, or if the New Jersey Turnpike Authority shall finance the construction of all or a part of said bridge, said Authority is hereby authorized to combine said bridge or such part with the New Jersey Turnpike for financing purposes and to fix, charge, and collect tolls for the use of said bridge and to pledge such tolls in accordance with the provisions of the laws of the State of New Jersey which relate to said authority or said New Jersey Turnpike[: *Provided, That the collection of tolls for the use of such bridge shall cease after forty years from the date of completion of such bridge, and such bridge thereafter shall be maintained and operated free of tolls*].

SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982

TITLE I

* * * * *

USE OF HIGH OCCUPANCY LANES

SEC. 163. Notwithstanding any other provision of this Act or any other law, no funds apportioned or allocated to a State for Federal-aid highways shall be obligated for a project for constructing, resurfacing, restoring, rehabilitating, or reconstructing a Federal-aid highway which has a lane designated as a carpool lane unless the use of such lane includes use by motorcycles. Upon certification by the State to the Secretary of Transportation, *after notice in the Federal Register and an opportunity for public comment*, and acceptance of such certification by the Secretary, the State may restrict such use by motorcycles if such use would create a safety hazard. *Any certification made before the effective date of title 1 of*

the Intermodal Surface Transportation Infrastructure Act of 1991 shall not be recognized by the Secretary until the Secretary publishes notice of such certification in the Federal Register and provides an opportunity for public comment on such certification.

* * * * *

BUY AMERICA

SEC. 165. (a) Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated by this Act or by any Act amended by this Act or, after the date of enactment of this Act, any funds authorized to be appropriated to carry out this Act, title 23, United States Code, the Urban Mass Transportation Act of 1964, or the Surface Transportation Assistance Act of 1978 and administered by the Department of Transportation, unless steel, iron, and manufactured products used in such project are produced in the United States.

* * * * *

TITLE IV

PART A—COMMERCIAL MOTOR VEHICLE SAFETY

* * * * *

GRANTS TO STATES

SEC. 402. (a) * * *

(b)(1) The Secretary shall formulate procedures for any State to submit a plan whereby the State agrees to adopt, and to assume responsibility for enforcing Federal rules, regulations, standards, and orders applicable to commercial motor vehicle safety, or compatible State rules, regulations, standards and orders. Such plan shall be approved by the Secretary if, in the Secretary's judgment, the plan is adequate to promote the objectives of this section, and the plan—

(A) * * *

* * * * *

(F) provides that such State agency will adopt such uniform reporting requirements and use such uniform forms for record-keeping, inspections, and investigations as may be established and required by the Secretary; [and]

(G) requires registrants of commercial motor vehicles to make a declaration of knowledge of applicable Federal and State safety rules, regulations, standards, and orders[.];

(H) ensures that activities described in paragraphs (1), (2), and (3) of subsection (d) if funded with grants under this section will not diminish the effectiveness of development and implementation of commercial motor vehicle safety programs described in subsection (a)(1);

(I) ensures that fines imposed and collected by the State for violations of commercial motor vehicle safety regulations will be reasonable and appropriate; and

(J) ensures that such State agency will coordinate the plan prepared under this section with the State highway safety plan under section 402 of title 23, United States Code.

* * * * *

(d) The Secretary shall not approve any plan under this section which does not provide that the aggregate expenditure of funds of the State and political subdivisions thereof, exclusive of Federal funds, for commercial motor vehicle safety programs and for enforcement of commercial motor vehicle size and weight limitations, for drug interdiction, and for enforcement of State traffic safety laws and regulations described in subsection (e) will be maintained at a level which does not fall below the average level of such expenditure for its last two full fiscal years preceding the date of enactment of this section.

(e) USE OF GRANT FUNDS FOR ENFORCEMENT OF CERTAIN OTHER LAWS.—A State may use funds received under a grant under this section—

(1) for enforcement of commercial motor vehicle size and weight limitations at locations other than fixed weight facilities, at specific geographical locations (such as steep grades or mountainous terrains) where the weight of a commercial motor vehicle can significantly effect the safe operation of such vehicle, or at seaports where intermodal shipping containers enter and exit the United States;

(2) for detecting the unlawful presence of a controlled substance (as defined under section 102 of the Controlled Substances Act (21 U.S.C. 802)) in a commercial motor vehicle or on the person of any occupant (including the operator) of such a vehicle; and

(3) for enforcement of State traffic laws and regulations designed to promote safe operation of commercial motor vehicles; if such activities are carried out in conjunction with an inspection of the commercial motor vehicle for enforcement of Federal or State commercial motor vehicle safety regulations.

* * * * *

AUTHORIZATIONS

SEC. 404. (a)(1) * * *

(2) Subject to section 9503(c)(1) of the Internal Revenue Code of 1986, there shall be available to the Secretary to incur obligations to carry out section 402 of this title, out of the Highway Trust Fund (other than the Mass Transit Account), \$50,000,000 per fiscal year for each of fiscal years 1987 and 1988 [and], \$60,000,000 per fiscal year for each of fiscal years 1989, 1990, and 1991[.], \$65,000,000 for fiscal year 1992, \$80,000,000 for the fiscal year 1993, and \$100,000,000 per fiscal year for each of the fiscal years 1994, 1995, and 1996.

* * * * *

(c) Grants made pursuant to the authority of this part [shall be for periods not to exceed one year] to a State shall be available for expenditure by such State for a period of 3 years.

* * * * *

(e) Funds authorized to be appropriated, and funds made available, to carry out this section shall remain available for obligation by the Secretary [for the fiscal year for which such funds are authorized or made available, as the case may be, and the three succeeding fiscal years.] until expended.

(f) (1) On October 1 of each fiscal year beginning after September 30, 1986, the Secretary may deduct, from funds made available for such fiscal year by subsection (a)(2), an amount not to exceed [one-half of] one percent of the amount of such funds for administering section 402 of this title in such fiscal year.

(2) On October 1 of each fiscal year, or as soon thereafter as is practicable, the Secretary, after making the deduction under paragraph (1), shall allocate, among the States whose applications for grants have been approved, the funds authorized to be appropriated for such fiscal year pursuant to criteria established by the Secretary.

(g) INSPECTOR TRAINING; COMMERCIAL MOTOR VEHICLE INFORMATION SYSTEM.—

(1) TRAINING OF HAZMAT INSPECTORS.—The Secretary shall obligate from funds made available by subsection (a)(2) for each fiscal year beginning after September 30, 1991, not less than \$5,000,000 to make grants to States for training inspectors for enforcement of regulations which are issued by the Secretary and pertain to transportation by commercial motor vehicle of hazardous materials.

(2) COMMERCIAL MOTOR VEHICLE INFORMATION SYSTEM REVIEW.—The Secretary may obligate from funds made available by subsection (a)(2) for each of fiscal years 1992, 1993, 1994, 1995, and 1996 not to exceed \$2,000,000 to carry out section 407 of this title, relating to the commercial motor vehicle information system.

(3) TRUCK AND BUS ACCIDENT DATA GRANT PROGRAM.—The Secretary may obligate from funds made available by subsection (a)(2) for each of fiscal years 1993, 1994, 1995, and 1996 not to exceed \$3,000,000 to carry out section 408 of this title, relating to the truck and bus accident data grant program.

(4) RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TRAINING MANUALS.—The Secretary shall obligate from funds made available by subsection (a)(2) for each fiscal year beginning after September 30, 1991, not less than \$500,000 and not more than \$2,000,000 for research, development, demonstrations, and training manuals under section 409 of this title.

* * * * *

SEC. 407. COMMERCIAL VEHICLE INFORMATION SYSTEM PROGRAM.

(a) INFORMATION SYSTEM.—

(1) REGISTRATION SYSTEMS REVIEW.—Not later than 1 year after the effective date of this section, the Secretary, in cooperation with the States, shall conduct a review of State motor vehicle registration systems pertaining to license tags for commer-

cial motor vehicles in order to determine whether or not such systems could be utilized in carrying out this section.

(2) **ESTABLISHMENT.**—The Secretary, in cooperation with the States, may establish, as part of the motor carrier safety information network system of the Department of Transportation and similar State systems, an information system which will serve as a clearinghouse and depository of information pertaining to State registration and licensing of commercial motor vehicles and the safety fitness of the registrants of such vehicles.

(3) **OPERATION.**—Operation of the information system established under paragraph (2) shall be paid for by a system of user fees. The Secretary may authorize the operation of the information system by contract, through an agreement with a State or States, or by designating, after consultation with the States, a third party which represents the interests of the States.

(4) **DATA COLLECTION AND REPORTING STANDARDS.**—The Secretary shall establish standards to ensure uniform data collection and reporting by all States necessary to carry out this section and to ensure the availability and reliability of the information to the States and the Secretary from the information system established under paragraph (2).

(5) **TYPE OF INFORMATION.**—As part of the information system established under paragraph (2), the Secretary shall include information on the safety fitness of the registrant of the commercial motor vehicle and such other information as the Secretary considers appropriate, including data on vehicle inspections and out-of-service orders.

(b) **DEMONSTRATION PROJECT.**—The Secretary shall make grants to States to carry out a project to demonstrate methods of establishing an information system which will link the motor carrier safety information network system of the Department of Transportation and similar State systems with the motor vehicle registration and licensing systems of the States. The purposes of the project shall be—

(1) to allow a State when issuing license plates for a commercial motor vehicle to determine through use of the information system the safety fitness of the person seeking to register the vehicle; and

(2) to determine the types of sanctions which may be imposed on the registrant, or the types of conditions or limitations which may be imposed on the operations of the registrant, to ensure the safety fitness of the registrant.

(c) **REGULATIONS.**—The Secretary shall issue such regulations as may be necessary to carry out this section.

(d) **FUNDING.**—Funds necessary to carry out this section may be made available by the Secretary as provided in section 404(g)(2) of this title.

(e) **COMMERCIAL MOTOR VEHICLE DEFINED.**—For purposes of this section, the term "commercial motor vehicle" means any self-propelled or towed vehicle used on highways in intrastate or interstate commerce to transport passengers or property—

(1) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds;

(2) if such vehicle is designed to transport more than 15 passengers, including the driver; or

(3) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801 et seq.) and are transported in a quantity requiring placarding under regulations issued by the Secretary under such Act.

SEC. 408. TRUCK AND BUS ACCIDENT DATA GRANT PROGRAM.

(a) **GENERAL AUTHORITY.**—The Secretary shall make grants to States which agree to adopt or have adopted the recommendations of the National Governors' Association with respect to police accident reports for truck and bus accidents.

(b) **GRANT PURPOSES.**—Grants may only be made under this section for assisting States in the implementation of the recommendations referred to in subsection (a), including—

(1) assisting States in designing appropriate forms;

(2) drafting instruction manuals;

(3) training appropriate State and local officers; and

(4) such other activities as the Secretary determines are appropriate to carry out the objectives of this section.

(c) **COORDINATION.**—The Secretary shall coordinate grants made under this section with the highway safety programs being carried out under section 402 of title 23, United States Code, and may require that the data from the reports described in subsection (a) be included in the reports made to the Secretary under the uniform data collection and reporting program carried out under such section.

(d) **FUNDING.**—Funds necessary to carry out this section may be made available by the Secretary as provided in section 404(g)(3) of this title.

SEC. 409. RESEARCH, DEVELOPMENT, DEMONSTRATIONS, AND TRAINING MANUALS.

(a) **GRANTS.**—The Secretary shall make grants—

(1) to States and to other persons for research, development, and demonstrations of technologies, methodologies, analyses, and information systems which are designed to promote commercial motor vehicle safety and will be beneficial to all jurisdictions of the United States; and

(2) to States to assist in educating the motoring public on its shared responsibility with operators of commercial motor vehicles for highway safety.

(b) **AWARDING OF GRANTS.**—Grants made under this section shall be announced publicly and awarded on a competitive basis whenever practicable.

(c) **TRAINING MANUALS.**—The Secretary may pay for the development, printing, and publication of manuals or other materials used in training roadside inspectors of commercial motor vehicles.

(d) **PUBLIC EDUCATION SET-ASIDE.**—Not less than \$250,000 of the funds made available to carry out this section in any fiscal year shall be made available by the Secretary for making grants described in subsection (a)(2).

PART B—COMMERCIAL MOTOR VEHICLE LENGTH AND WIDTH LIMITATION

LENGTH LIMITATIONS ON FEDERALLY ASSISTED HIGHWAYS

SEC. 411. (a) Except as provided in subsection (i) of this section, no State shall establish, maintain, or enforce any regulation of commerce which imposes a vehicle length limitation of *less than forty-five feet on the length of any bus*, of less than forty-eight feet on the length of the semitrailer unit operating in a truck tractor-semitrailer combination, and of less than twenty-eight feet on the length of any semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination, on any segment of the National System of Interstate and Defense Highways (other than a segment exempted under subsection (i) of this section) and those classes of qualifying Federal-aid Primary System highways as designated by the Secretary of Transportation (hereinafter in this part referred to as the "Secretary"), pursuant to subsection (e) of this section.

* * * * *

(e)(1) The Secretary shall designate as qualifying Federal-aid Primary System highways subject to the provisions of subsections (a) and (c) *[those Primary System highways] those highways of the Federal-aid primary system in existence on June 1, 1991*, that are capable of safely accommodating the vehicle lengths set forth therein.

* * * * *

(j) CARGO CARRYING UNIT LIMITATION.—

(1) *PROHIBITION.*—Except as provided in paragraph (2), no State shall allow by statute, regulation, permit, or any other means the operation on any segment of the National System of Interstate and Defense Highways and those classes of qualifying Federal-aid primary system highways as designated by the Secretary pursuant to subsection (e) of any commercial motor vehicle combination with 2 or more cargo carrying units (not including the truck tractor), whose cargo carrying units as measured from the front of the first cargo carrying unit to the rear of the last carrying unit are of a total length greater than were authorized by State statute or regulation and were being lawfully operated on such system and classes of highways on or before June 1, 1991.

(2) *CONTINUATION OF CERTAIN VEHICLES LAWFULLY OPERATED ON JUNE 1, 1991.*—A State may continue to allow to be operated within its boundaries on the National System of Interstate and Defense Highways and those classes of qualifying Federal-aid primary system highways as designated by the Secretary under subsection (e) a commercial motor vehicle combination with 2 or more cargo carrying units (not including the truck tractor)—

(A) if the State determined, on or before June 1, 1991, that such a commercial motor vehicle combination could lawfully be operated on such system and classes of highways pursuant to a State statute or regulation in effect on June 1, 1991;

(B) if such a commercial motor vehicle combination was in lawful operation on a regular or periodic basis (including seasonal operation or operation pursuant to a permit issued by the State) on such system and classes of highways on or before June 1, 1991; and

(C) if all operations of such a commercial motor vehicle combination on such system and classes of highways continue to be subject, at a minimum, to all State statutes, regulations, limitations, and conditions (including routing-specific and configuration-specific designations and all other restrictions) in effect on June 1, 1991; except that, subject to the guidelines established by the Secretary under paragraph (6), the State may make minor adjustments to routing-specific designations and vehicle operation restrictions in effect on June 1, 1991, for safety purposes and for road construction purposes.

(3) WYOMING.—In addition to vehicles which the State of Wyoming may continue to allow to be operated under paragraph (2), such State may allow commercial motor vehicle combinations with 2 or more cargo carry units (not including the truck tractor) not in actual operation on June 1, 1991, to be operated within its boundaries on the Interstate System and those classes of qualifying Federal-aid primary system highways as designated by the Secretary under subsection (e) by enactment of a State law on or before November 3, 1992—

(A) if the gross vehicle weight of the vehicle in such a combination does not exceed 117,000 pounds;

(B) if the vehicle in such a combination complies with the single axle, tandem axle, and bridge formula limits set forth in section 127(a) of title 23, United States Code; and

(C) if such State notifies the Secretary of the enactment of such law before the 30th day following the date of such enactment.

The Secretary shall publish a notice of the enactment of such law in the Federal Register.

(4) ADDITIONAL STATE RESTRICTIONS.—Nothing in this subsection shall prevent any State from further restricting in any manner or prohibiting the operation of commercial motor vehicle combinations otherwise authorized under this subsection, except that such restrictions or prohibitions shall be consistent with the requirements of subsections (a) and (b) and sections 412 and 416 of this Act. Any State which further restricts or prohibits the operations of commercial motor vehicle combinations or makes minor adjustments pursuant to the exception set forth in paragraph (2)(C) shall notify the Secretary of the restriction, prohibition, or adjustment before the 30th day following the date of the action resulting in the restriction, prohibition, or adjustment, and the Secretary shall publish a notice of the restriction, prohibition, or adjustment in the Federal Register.

(5) PUBLICATION OF STATE LAWS.—

(A) STATE LISTS.—Not later than 90 days after the effective date of this subsection, each State shall file, in writing, with the Secretary a complete list of those State statutes, regulations, limitations, and conditions (including routing-

specific and configuration-specific designations and all other restrictions) governing only the operation of commercial motor vehicle combinations with 2 or more cargo carrying units (not including the truck tractor). If the State does not file such list by the 90th day, the Secretary shall complete and file such list for the State not later than the 120th day following such effective date.

(B) **CERTIFICATION.**—Not later than 90 days after the effective date of this subsection, each State interested in continuing to allow commercial motor vehicle combinations with 2 or more cargo carrying units (not including the truck tractor) to be operated under paragraph (2) shall submit to the Secretary a written certification that the requirements of paragraphs (2)(A) and (2)(B) were complied with.

(C) **PUBLICATION.**—Not later than 150 days after the effective date of this subsection, the Secretary shall publish in the Federal Register the lists filed under subparagraph (A).

(D) **REVIEW OF CERTIFICATION.**—After publication under subparagraph (C), the Secretary shall review State certifications made under subparagraph (B) and may commence, on the Secretary's own initiative or pursuant to a challenge by any person, a proceeding to determine whether or not a certification made under subparagraph (B) made with regard to paragraph (2)(A) or (2)(B) is inaccurate. In such proceeding, the State shall have the burden of proof to show that the certification is accurate. If the Secretary determines that the State certification is inaccurate, the Secretary shall amend the publication under subparagraph (C) to reflect the determination of the Secretary.

(E) **LIMITATION.**—No statute or regulation shall be included on the lists published by the Secretary under this paragraph merely on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of commercial motor vehicle combinations, not in actual operation on a regular or periodic basis on or before June 1, 1991.

(F) **FINALITY.**—Except as modified pursuant to paragraphs (2)(C), (3), and (4) and subparagraph (D) of this paragraph, the lists published under this paragraph shall become final on the 30th day following the date of their publication in the Federal Register and, thereafter, commercial motor vehicle combinations with 2 or more cargo carrying units (not including the truck tractor) may not be operated on the National System of Interstate and Defense Highways and those classes of qualifying Federal-aid primary system highways as designated by the Secretary pursuant to subsection (e) of this section, except as provided in the laws and regulations on the lists and as modified pursuant to such paragraphs.

(6) **REGULATIONS REGARDING CERTAIN MINOR ADJUSTMENTS.**—Not later than 180 days after the effective date of this subsection, the Secretary shall issue regulations establishing guide-

lines for States to follow in making minor adjustments under paragraph (2)(C).

(7) **LIMITATIONS ON STATUTORY CONSTRUCTION.**—Nothing in this subsection shall be construed—

(A) to allow the operation on any segment of the National System of Interstate and Defense Highways of any commercial motor vehicle prohibited under section 127(d) of title 23, United States Code; and

(B) to affect in any way the operation of commercial motor vehicles having only one cargo carrying unit.

(8) **CARGO CARRYING UNIT DEFINED.**—For purposes of this subsection, the term "cargo carrying unit" means any portion of a commercial motor vehicle combination used for the carrying of cargo and other than the noncargo carrying power unit, including a trailer, semitrailer, or cargo carrying section of a single unit truck.

ACCESS TO THE INTERSTATE SYSTEM

SEC. 412. (a) No State may enact or enforce any law denying reasonable access to commercial motor vehicles subject to this title between (1) the Interstate and Defense Highway System (other than any segment thereof which is exempted under section 411(i) or 416(e) of this title) and any other qualifying Federal-aid Primary System highways, as designated by the Secretary, and (2) terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers, motor carrier of passengers, and for any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28½ feet and which generally operates as part of a vehicle combination described in section 411(c) of this Act.

* * * * *

SECTION 213 OF THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

DUTIES OF LEAD AGENCY

SEC. 213. (a) * * *

* * * * *

(c) The regulations and procedures issued pursuant to this section shall apply to the Tennessee Valley Authority only with respect to relocation assistance under this title and title I. *The regulations and procedures issued pursuant to this section shall apply to the Rural Electrification Administration only with respect to relocation assistance under this title and title I and only with respect to relocation assistance under title III whenever a program or project to be undertaken by such Administration will result in the displacement of any person.*

SECTION 211 OF THE NATIONAL DRIVER REGISTER ACT OF 1982

AUTHORIZATION OF APPROPRIATIONS

SEC. 211. (a) * * *

(b) There are authorized to be appropriated to carry out the provisions of this title and the provisions of Public Law 86-660 (74 Stat. 526) not to exceed \$1,000,000 for fiscal year 1983, not to exceed \$1,300,000 for fiscal year 1984, not to exceed \$1,600,000 for fiscal year 1985, not to exceed \$1,600,000 for fiscal year 1986, **[and]** not to exceed \$1,600,000 for fiscal year 1987, *not to exceed \$6,131,000 for fiscal year 1992, not to exceed \$6,363,978 for fiscal year 1993, and not to exceed \$6,605,809 for fiscal year 1994.*

TITLE 49, UNITED STATES CODE

Subtitle I—Department of Transportation

CHAPTER 1—ORGANIZATION

Sec.

101. Purpose.

[107. Urban Mass Transportation Administration.]

107. Federal Transit Administration.

§ 101. Purpose

(a) * * *

(b) A Department of Transportation is necessary in the public interest and to—

(1) * * *

(4) stimulate technological advances in transportation, *through research and development or otherwise;*

[§ 107. Urban Mass Transportation Administration]

§ 107. Federal Transit Administration

(a) The **[Urban Mass Transportation Administration]** *Federal Transit Administration* is an administration in the Department of Transportation.

CHAPTER 3—GENERAL DUTIES AND POWERS

Subchapter I—Duties of the Secretary of Transportation

§ 301. Leadership, consultation, and cooperation

The Secretary of Transportation shall—

(1) * * *

(3) *coordinate Federal policy on intermodal transportation and initiate policies to promote efficient intermodal transportation in the United States;*

[(3)] (4) promote and undertake the development, collection, and dissemination of technological, statistical, economic, and other information relevant to domestic and international transportation;

[(4)] (5) consult and cooperate with the Secretary of Labor in compiling information regarding the status of labor-management contracts and other labor-management problems and in promoting industrial harmony and stable employment conditions in all modes of transportation;

[(5)] (6) promote and undertake research and development related to transportation, including noise abatement, with particular attention to aircraft noise, *and including basic highway vehicle science;*

[(6)] (7) consult with the heads of other departments, agencies, and instrumentalities of the United States Government on the transportation requirements of the Government, including encouraging them to establish and observe policies consistent with maintaining a coordinated transportation system in procuring transportation or in operating their own transport services; and

[(7)] (8) consult and cooperate with State and local governments, carriers, labor, and other interested persons, including, when appropriate, holding informal public hearings.

§ 302. Policy standards for transportation

(a) * * *

(d) *INTERMODAL TRANSPORTATION.—It is the policy of the United States Government to encourage and promote development of a national intermodal transportation system in the United States to move people and goods in an energy-efficient manner, provide the foundation for improved productivity growth, strengthen the Nation's ability to compete in the global economy, and obtain the optimum yield from the Nation's transportation resources.*

Subtitle IV—Interstate Commerce

CHAPTER 107—RATES, TARIFFS, AND VALUATIONS

Subchapter II—Special Circumstances

§ 10723. Charitable purposes

(a) * * *

(b)(1) * * *

(2) That carrier (*other than a motor carrier of passengers*) may also establish a rate and related rule equal to the rate charged for the transportation of one individual when that rate is for the transportation of—

(A) * * *

(3) *In the case of a motor carrier of passengers, that carrier may also establish a rate and related rule equal to the rate charged for the transportation of 1 individual when that rate is for the transportation of—*

(A) *a totally blind individual and an accompanying guide or a dog trained to guide the individual;*

(B) *a disabled individual and accompanying attendant, or animal trained to assist the individual, or both, when required because of disability; or*

(C) *a hearing-impaired individual and a dog trained to assist the individual.*

CHAPTER 115—FEDERAL-STATE RELATIONS

[§ 11506. Registration of motor carriers by a State

[In this section, “standards” and “amendments to standards” mean the specification of forms and procedures required by regulations of the Interstate Commerce Commission to prove the lawfulness of transportation by motor carrier referred to in section 10521(a) (1) and (2) of this title by—

[(1) filing and maintaining certificates and permits issued to the motor carrier by the Commission;

[(2) registering motor vehicles operating under the certificates and permits;

[(3) filing and maintaining proof of required insurance coverage or qualification as a self-insurer; and

[(4) filing the name of a local agent for service of process.

[(b) The requirement of a State that a motor carrier, providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title and providing transportation in that State, register the certificate or permit issued to the carrier under section 10922 or 10923 of this title is not an unreasonable burden on transportation referred to in section 10521(a) (1) and (2) of this title when the registration is completed under standards of the Commission under subsection (c) of this section. When a State registration requirement imposes obligations in excess of the standards, the part in excess is an unreasonable burden.

[(c)(1) The Commission shall maintain standards and amendments to standards (A) prepared and certified to it by the national organization of the State Commissions, and (B) prescribed by the Commission. If the national organization determines to withdraw entirely standards prescribed by the Commission, the Commission shall prescribe new standards by the end of the first year after the national organization determines to withdraw the standards.

[(2) An amendment to the standards prepared and certified by the national organization and prescribed by the Commission is effective when the amendment is prescribed or at another time as determined by the national organization.

[(d) The national organization shall consult with the Commission and representatives of motor carriers subject to the State registration requirement when preparing amendments to the standards. Different amendments may be prescribed for each class of motor carriers as warranted by the differences in the operations of each class.

[(e) This section does not—

[(1) authorize standards in conflict with regulations of the Commission; or

[(2) affect the authority of the Commission to interpret its regulations and certificates and permits issued under section 10922 or 10923 of this title.]

§ 11506. Registration of motor carriers by a State

(a) *GENERAL RULE.*—Effective January 1, 1994, no State may require a motor carrier holding a certificate or permit issued under this subtitle—

(1) to file and maintain such certificate or permit;

(2) to register motor vehicles operated under such certificate or permit;

(3) to display or carry on any vehicle a decal, stamp, cab card, or other means of identification evidencing the lawfulness of any transportation or service provided under such certificate or permit; or

(4) to pay a fee with respect to any activity described in paragraphs (1), (2), or (3) of this subsection.

(b) *LIMITATIONS ON STATUTORY CONSTRUCTION.*—Nothing in this section shall be construed as limiting the authority of a State to require a motor carrier holding a certificate or permit issued under this subtitle from filing and maintaining proof of insurance or qualification as a self-insurer.

* * * * *

URBAN MASS TRANSPORTATION ACT OF 1964

FEDERAL FINANCIAL ASSISTANCE

SEC. 3. (a)(1) * * *

* * * * *

[(4) The Secretary is authorized to announce an intention to obligate for a project under this section through the issuance of a letter of intent to the applicant. At least thirty days prior to the

issuance of a letter of intent under this paragraph, the Secretary shall notify, in writing, the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, of the proposed issuance of such letter of intent. Such an action shall not be deemed an obligation as defined under section 1311 of the Act of August 26, 1954, as amended (31 U.S.C. 200), nor shall such a letter be deemed an administrative commitment. The letter shall be regarded as an intention to obligate from future available budget authority not to exceed an amount stipulated as the Secretary's financial participation in the defined project under this section. The amount stipulated in the letter, when issued for a fixed guideway project, shall be sufficient to complete an operable segment. No obligation or administrative commitment may be made pursuant to such a letter of intent except as funds are provided in appropriations Acts. The total estimated amount of future Federal obligations covered by all outstanding letters of intent shall not exceed the amount authorized to carry out section 3 of this Act, less an amount reasonably estimated by the Secretary to be necessary for grants under this section which are not covered by a letter of intent. The total amount covered by new letters issued shall not exceed any limitation that may be specified in law. Nothing in this paragraph shall affect the validity of letters of intent issued prior to the enactment of the Federal Public Transportation Act of 1978. Funding for projects covered by letters of intent or letters of commitment issued, and full funding contracts executed, prior to the date of enactment of the Federal Public Transportation Act of 1982 shall be funded under this section while not precluding the funding of a portion of such projects using section 9 capital funds unless such funding would impair the recipient's ability to fund routine capital projects under such section. Notwithstanding the provisions of section 4(a), the Federal share of the total project cost of any project under this section covered by a full funding contract, letter of intent, or letter of commitment in effect on the date of enactment of the Federal Public Transportation Act of 1982, or those projects within the federally agreed upon scope for the Washington, District of Columbia, metropolitan area transit system (as of such date), shall not be altered.

[(5)] (4) The Secretary shall take into account the adverse effect of decreased commuter rail service in considering applications for assistance under this section for the acquisition of rail lines and all related facilities used in providing commuter rail service which are owned by a railroad subject to reorganization under title 11, United States Code.

[(6)] In making grants under this section in fiscal year 1983, the Secretary shall, to the extent practicable, emphasize projects that are labor intensive and that can begin construction or manufacturing within the shortest possible time.]

* * * * *

[(h)] Notwithstanding any other provision of this Act, the Secretary, upon application by a local public body, may approve a project which utilizes funds available under sections 3 and 5 of this Act, but in any such project, none of the funds available under sec-

tion 3 may be expended in connection with the acquisition of buses, bus equipment, or bus related facilities unless the combined project includes new buses, bus equipment, or bus related facilities the cost of which is at least equal to the total amount that reasonably could have been provided for such purposes with funds available under section 5(a)(4).】

(h) SPECIAL RULES FOR RAIL MODERNIZATION, GUIDEWAY MODERNIZATION, NEW STARTS, AND BUS FACILITIES.—

(1) RAIL AND GUIDEWAY MODERNIZATION APPORTIONMENTS.—
The Secretary shall apportion the sums made available for rail and guideway modernization under this section for each of fiscal years 1992, 1993, 1994, 1995, and 1996 as follows:

(A) The first \$455,000,000 made available shall be apportioned for expenditure in the following urbanized areas according to the following percentages:

- (i) Baltimore, 0.6642 percent.*
- (ii) Boston, 8.7504 percent.*
- (iii) Chicago/Northwestern Indiana, 15.8994 percent.*
- (iv) Cleveland, 2.9415 percent.*
- (v) New Orleans, 0.7722 percent.*
- (vi) New York, 30.2257 percent.*
- (vii) New Jersey, 10.9793 percent.*
- (viii) Philadelphia/Southern New Jersey, 12.7503 percent.*

(ix) Pittsburgh, 6.1419 percent.

(x) San Francisco, 7.3632 percent.

(xi) Southwestern Connecticut, 3.5118 percent.

(B) The next \$70,000,000 made available shall be apportioned for expenditure on any fixed guideway modernization project eligible for assistance under this section—

(i) 50 percent in the urbanized areas listed in subparagraph (A) according to the percentages listed in such subparagraph; and

(ii) 50 percent in other urbanized areas eligible for assistance under section 9(b)(2) of this Act according to the apportionment formula contained in such section.

(C) Any remaining amounts made available shall be apportioned for expenditure on any fixed guideway modernization project eligible for assistance under this section for all urbanized areas eligible for assistance under section 9(b)(2) of this Act according to the apportionment formula contained in such section.

(D) Notwithstanding any other provision of law, rail modernization funds allocated to the New Jersey Transit Corporation under this paragraph may be spent in any urbanized area in which the New Jersey Transit Corporation operates rail service regardless of the urbanized area which generates the funding.

(2) NEW STARTS.—

(A) SET-ASIDE FOR CERTAIN DISCRETIONARY PROJECTS.—
The Secretary shall set aside \$10,000,000 of the amounts made available for construction of new fixed guideway systems and extensions to fixed guideway systems by subsection (k)(1)(B) for each fiscal year beginning after September

30, 1991, for obligation at the discretion of the Secretary only for systems planning, alternative analysis, and preliminary engineering for such systems.

(B) **SPECIFIC AUTHORIZATIONS REQUIRED.**—Except as provided in subparagraph (A), funds made available for construction of new fixed guideway systems and extensions of fixed guideway systems by subsection (k)(1)(B) for any fiscal year beginning after September 30, 1991, shall be obligated for projects for construction and extension of such systems which are specifically authorized by the Federal Transit Act of 1991 or by a law approved after the date of the enactment of this subparagraph. Such obligations shall be made in accordance with such Act or law. Whenever such a project is so specifically authorized, the Secretary shall enter into, in accordance with such Act or law, a grant agreement which establishes the terms and conditions for the construction of the project and which includes the schedule for commitment of Federal funds for the project.

(3) **GRANTS FOR INCREASED SECURITY IN TRANSIT SYSTEMS.**—

(A) **SET-ASIDE OF BUS FACILITY FUNDS.**—The Secretary shall set aside \$10,000,000 of the amounts made available for replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities by subsection (k)(1)(C) for each fiscal year beginning after September 30, 1991, for obligation at the discretion of the Secretary for making grants to States and local public bodies and agencies for the prevention of crime, and to increase security, in existing and future transit systems. Such grants may be made for 1 or more of the following purposes:

(i) Increasing lighting within or adjacent to transit systems, including bus stops, subway stations, parking lots, and garages.

(ii) Increasing camera surveillance of areas within and adjacent to transit systems, including bus stops, subway stations, parking lots, and garages.

(iii) Providing emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to transit systems, including bus stops, subway stations, parking lots, and garages.

(iv) Any other project intended to increase the security and safety of existing or planned transit systems.

(B) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this paragraph shall be construed to prohibit the financing of projects under this paragraph where law enforcement responsibilities are vested in a local public body other than the grant applicant.

(i) **CRITERIA FOR NEW STARTS.**—No grant or loan for construction of a new fixed guideway system or extension of any fixed guideway system may be made under this section unless [the Secretary determines that] the proposed project—

(1) is based on the results of an alternatives analysis and preliminary engineering;

[(2) is cost-effective; and] (2) has undergone a cost-effectiveness analysis;

(3) is supported by an acceptable degree of local financial commitment, including evidence of stable and dependable funding sources to construct, maintain, and operate the system or extension[.]; and

(4) is included, after September 30, 1992, in a transportation improvement program developed under section 134 or 135 of title 23, United States Code.

[In making grants and loans under this section, the Secretary may also consider such other factors as the Secretary deems appropriate.] The Secretary shall issue guidelines that set forth the means by which the Secretary will evaluate cost-effectiveness, results of alternatives analysis, and degree of local financial commitment.

[(j) REPORT ON FUNDING LEVELS AND ALLOCATIONS OF FUNDS.—Not later than 30 days after the date of enactment of this subsection and each January 20 thereafter, the Secretary shall prepare and transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate—

[(1) a proposal of the total amounts of funds which should be made available in accordance with subsection (k)(1)(D) of this section to finance for the fiscal year beginning on October 1 of such year grants and loans for each of the following:

[(A) the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities,

[(B) rail modernization, and

[(C) construction of new fixed guideway systems and extensions to fixed guideway systems; and

[(2) a proposal of the allocation of the funds to be made available to finance grants and loans for the construction of new fixed guideway systems and extensions to fixed guideway systems among applicants for such assistance.]

(j) REPORT ON NEW STARTS FACTORS.—

(1) IN GENERAL.—Not later than January 31 of calendar year 1993 and of each calendar year thereafter, the Secretary shall prepare and transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report—

(A) on the factors which the Secretary considers appropriate for such committees to utilize in the process of authorizing projects for construction of new fixed guideway systems and extensions to fixed guideway systems; and

(B) on the application of such factors to those of projects which are specifically authorized by the Federal Transit Act of 1991 or by a law approved after the date of the enactment of this Act or for which the Secretary has allocated funds under subsection (h)(2)(A) or subsection (k)(1)(D).

(2) MINIMUM FACTORS.—Each report under paragraph (1) shall include at a minimum recommendations of the Secretary with regard to the following factors:

(A) Cost-effectiveness factors, including cost per rider data adjusted for inflation and for differences in regional wage rates.

(B) Projected time savings for commuters.

(C) Status of the project relative to the State implementation plan required by the Clean Air Act.

(D) The Secretary's and the local authority's analysis of transportation options in the corridor.

(E) Identification of stable and reliable funding sources for the project.

(F) The Secretary's and the local authority's review of the results of the alternatives analysis.

(G) Projected ridership for the segment of the system on which the project is to be carried out.

(H) Cost of project construction in constant dollars and dollars adjusted for inflation.

(k) ALLOCATIONS.—

(1) IN GENERAL.—Of the amounts available for grants and loans under this section for fiscal years [1987, 1988, 1989, 1990, and 1991] 1992, 1993, 1994, 1995, and 1996—

(A) 40 percent shall be available for rail modernization in accordance with subsection (h)(1);

* * * * *

[(D) 10 percent shall be available for the purposes described in subparagraphs (A) through (C), as determined by the Secretary.]

(D) 10 percent shall be available for making minimum apportionments to the States under subsection (m), and any amounts of such 10 percent remaining after such minimum apportionment shall be available for the purposes described in subparagraphs (A) through (C) as determined by the Secretary.

* * * * *

(m) MINIMUM APPORTIONMENT.—

(1) GENERAL RULE.—Except as provided in paragraphs (2) and (3), no State (other than the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands) shall receive for any fiscal year beginning after September 30, 1991, less than $\frac{1}{3}$ of 1 percent of the total amount of funds made available from the Mass Transit Account of the Highway Trust Fund for such fiscal year for carrying out this Act.

(2) EXCEPTION FOR LACK OF AVAILABLE FUNDS.—If the funds made available for carrying out this subsection by subsection (k)(1)(D) are not sufficient to provide each State with $\frac{1}{3}$ of 1 percent for a fiscal year as provided in paragraph (1), the amount each State would otherwise receive under this subsection shall be reduced proportionately.

(3) TREATMENT OF CERTAIN TERRITORIES.—For purposes of this subsection, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands shall be

treated as 1 State. Funds made available to such territories under this subsection shall be divided equally among them.

(4) USE OF FUNDS.—Funds made available to a State under this subsection shall be available to the Governor for carrying out in the State any capital project eligible for assistance under this Act and for carrying out any project or activity for which Federal funds may be obligated by a State under title 23, United States Code.

(5) SPECIAL RULES FOR TITLE 23 PROJECTS.—

(A) APPLICABILITY OF OTHER PROVISIONS OF TITLE 23.—All applicable provisions of title 23, United States Code, which apply with respect to a project or activity carried out under such title shall apply to such a project or activity when carried out by a State with funds made available to it under this subsection; except that the Federal share of the cost of such project or activity shall be 80 percent or, in any case in which a lower Federal share is provided for such a project or activity under such title, such lower Federal share.

(B) PROJECT APPROVAL.—Any project or activity which a State intends to carry out under title 23, United States Code, with funds made available to it under this subsection shall be subject to approval by the Secretary in accordance with the program of projects approval process of section 105 of such title.

(C) MAINTENANCE OF EFFORT.—No Federal funds expended by a State under title 23, United States Code, from funds made available to it under this subsection shall be counted as expenditures for a State for purposes of any maintenance of effort requirement of such title.

NET PROJECT COST, FEDERAL SHARE, AND AUTHORIZATION

SEC. 4. (a) The Secretary, on the basis of engineering studies, studies of economic feasibility, and data showing the nature and extent of expected utilization of the facilities and equipment, shall estimate what portion of the cost of a project to be assisted under section 3 cannot be reasonably financed from revenues—which portion shall hereinafter be called “net project cost”. The Federal grant for any such project to be assisted under section 3 shall be in an amount equal to [75 per centum] 80 percent of the net project cost, *unless the recipient of the grant requests a lower Federal grant percentage as a part of a larger undertaking.* The remainder of the net project cost shall be provided, in cash, from sources other than Federal funds. Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital. No refund or reduction of the remainder of the net project cost shall be made at any time unless there is at the same time a refund of a proportional amount of the Federal grant. *The remainder of the net project cost of a planned extension to a fixed guideway system may include the cost of rolling stock previ-*

ously purchased if the applicant demonstrates to the satisfaction of the Secretary that—

(1) such purchase was made solely with non-Federal funds; and

(2) such purchase was made for use on the extension.

* * * * *

PLANNING AND TECHNICAL STUDIES

【SEC. 8. (a) It is declared to be in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective, the Secretary shall cooperate with the State and local officials in the development of transportation plans and programs which are formulated on the basis of transportation needs with due consideration to comprehensive long-range land use plans, development objectives, and overall social, economic, environmental, system performance, and energy conservation goals and objectives, and with due consideration to their probable effect on the future development of urban areas of more than fifty thousand population. The planning process shall include an analysis of alternative transportation system management and investment strategies to make more efficient use of existing transportation facilities and development of long-term financial plans for regional urban mass transit improvements and the revenue available from current and potential sources to implement such improvements. The process shall consider all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate based on the complexity of the transportation problems.

【(b)(1) The urbanized area planning process shall be carried on by local officials acting through a metropolitan planning organization in cooperation with the State.

【(2) Within one year after enactment of this subsection, in the absence of State law to the contrary, units of general purpose local government within an urbanized area or contiguous urbanized areas for which a metropolitan planning organization has been designated prior to enactment of this subsection, may by agreement of at least 75 per centum of the units of general purpose local government representing at least 90 per centum of the population of such urbanized area or areas and in cooperation with the Governor, redesignate as the metropolitan planning organization any representative organization.

【(3) Except as provided in subparagraph (B), after the date of enactment of this subsection, designations of metropolitan planning organizations shall be by agreement among the units of general purpose local government and the Governor.】

SEC. 8. 【(c)】 (a) A program of projects eligible for assistance under this Act shall be submitted for approval to the Secretary. The Secretary shall not approve for an urbanized area any such program of projects in whole or in part unless (1) the Secretary finds that the planning process on which such program is based is being carried on in conformance with the objectives of this section, and (2) the Secretary finds that the program of projects is based on

the planning process carried out under sections 134 and 135 of title 23, United States Code.

[(d)] (b) The Secretary is authorized to contract for and make grants to States and local public bodies and agencies thereof for the planning, engineering, designing, and evaluation of public transportation projects, and for other technical studies. Activities assisted under this section may include (1) studies relating to management, operations, capital requirements, and economic feasibility; (2) preparation of engineering and architectural surveys, plans, and specifications; (3) evaluation of previously funded projects; and (4) other similar or related activities preliminary and in preparation for the construction, acquisition, or improved operation of mass transportation systems, facilities, and equipment. A grant or contract under this section shall be made in accordance with criteria established by the Secretary.

[(e)] (c) The plans and programs required by this section shall encourage to the maximum extent feasible the participation of private enterprise. Where facilities and equipment are to be acquired which are already being used in mass transportation service in the urban area, the program must provide that they shall be so improved (through modernization, extension, addition, or otherwise) that they will better serve the transportation needs of the area.

BLOCK GRANTS

SEC. 9. (a)(1) Of the amount appropriated from the general fund of the Treasury under section 21(a) of this Act, [8.64 per centum] 10 percent shall be available for expenditure under this section in each fiscal year only in urbanized areas with a population of less than 200,000.

(2) Of the amount appropriated from the general fund of the Treasury under section 21(a) of this Act, [88.43 per centum] 85 percent shall be available for expenditure under this section in each fiscal year only in urbanized areas with a population of 200,000 or more.

* * * * *

(e)(1) The provisions of sections 3(e), 3(f), 3(g), 5(k)(3), 12(c), 13, [and 19] 19, and 22 shall apply to this section and to every grant made under this section. No other condition, limitation, or other provision of this Act, other than as provided in this section, shall be applicable to this section and to grants for programs of projects made under this section.

* * * * *

(j)(1) Grants under this section shall be available to finance the planning, acquisition, construction, improvement, and operating costs of facilities, equipment, and associated capital maintenance items for use, by operation or lease or otherwise, in mass transportation service, including the renovation and improvement of a historic transportation facility with related private investment. Grants for construction projects under this section shall also be available to finance the leasing of facilities and equipment for use in mass transportation service, subject to regulations limiting such grants to leasing arrangements which are more cost effective than

acquisition or construction. The Secretary shall publish regulations under the preceding sentence in proposed form in the Federal Register for public comment not later than 60 days after the date of enactment of this sentence, and shall promulgate such regulations in final form not later than 240 days after such date of enactment. As used in this section, the term "associated capital maintenance items" means any equipment, tires, [tubes, and materials] and tubes each of which costs no less than $\frac{1}{2}$ of 1 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment [and materials are] is to be used and any materials and supplies.

(k)(1) * * *

(2)(A) * * *

(B) Beginning on October 1, [1988] 1991, the amount of funds apportioned under this section that may be used for operating assistance by urbanized areas [of less than 200,000 population] shall be increased on October 1 of each year by an amount determined by multiplying the amount applicable to each such urbanized area as determined under subparagraph (A) (excluding any increases under this subparagraph) by the percentage of the increase (if any) in the Consumer Price Index during the most recent calendar year. The amount of funds apportioned under this section that each urbanized area of less than 200,000 population that was a recipient of funds under this section during fiscal year 1987 may use for operating assistance shall be increased by 32.2 percent on October 1, 1987. The increases provided for by this subparagraph shall be cumulative.

(n)(1) * * *

(3) *HIGHWAY PROJECTS.*—*The Governor of a State may transfer—*

(A) *not to exceed 25 percent of the State's apportionment under subsection (d), and*

(B) *not to exceed an additional 10 percent of such apportionment if the Governor determines that the transit services for which such funds would be available but for such transfer are being adequately maintained,*

to any apportionment of such State under title 23, United States Code.

[MASS TRANSIT ACCOUNT DISTRIBUTION

[SEC. 9A. (a)(1) Of the amount made available from the Mass Transit Account of the Highway Trust Fund under section 21(a) of this Act in fiscal year 1983, 8.64 per centum shall be available for expenditure under this section in such fiscal year only in urbanized areas with a population of less than 200,000.

[(2) Of the amount made available from the Mass Transit Account of the Highway Trust Fund under section 21(a) of this Act in fiscal year 1983, 88.43 per centum shall be available for expendi-

ture under this section in such fiscal year only in urbanized areas with 200,000 population or more.

[(b)(1) Of the funds available under subsection (a)(2) of this section, 66.71 per centum shall be apportioned among urbanized areas with 200,000 population or more as follows:

[(A) 73.39 per centum shall be made available for expenditure in only those urbanized areas with a population of 1,000,000 or more, and on the basis of a formula under which such urbanized area will be entitled to receive an amount equal to the sum of—

[(i) 50 per centum of the amount available under this subparagraph multiplied by the ratio which the total bus revenue vehicle miles operated in or directly serving such urbanized area bears to the total bus revenue vehicle miles in all such urbanized areas;

[(ii) 25 per centum of such amount multiplied by the ratio which the population of all such urbanized areas bears to the total population of all such urbanized areas as shown by the latest Federal census; and

[(iii) 25 per centum of such amount multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary; and

[(B) 26.61 per centum shall be made available for expenditure in only those urbanized areas with a population of less than 1,000,000 and on the basis of a formula under which such urbanized area will be entitled to receive an amount equal to the sum of—

[(i) 50 per centum of the amount available under this subparagraph multiplied by the ratio which the total bus revenue vehicle miles operated in or directly serving such urbanized area bears to the total bus revenue vehicle miles in all such urbanized areas;

[(ii) 25 per centum of such amount multiplied by the ratio which the population of such urbanized area bears to the total population of all such urbanized areas as shown by the latest available Federal census; and

[(iii) 25 per centum of such amount multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

[(2) Of the funds available under subsection (a)(2) of this section, 33.29 per centum shall be apportioned among urbanized areas of 200,000 population or more as follows:

[(A) 60 per centum of the amount so apportioned multiplied by the ratio which the number of fixed guideway revenue vehicle miles attributable to the urbanized area, as determined by the Secretary, bears to the total number of all fixed guideway revenue vehicle miles attributable to all such urbanized areas; and

[(B) 40 per centum of the amount so apportioned multiplied by the ratio which the number of fixed guideway route miles attributable to the urbanized area, as determined by the Secre-

tary, bears to the total number of all fixed guideway route miles attributable to all such urbanized areas.

No urbanized area in which commuter rail service is provided and which has a population of 750,000 or more shall receive less than 0.75 per centum of the sums made available under this paragraph. Under this paragraph, fixed guideway revenue vehicle or route miles provided, and passengers served thereby, in an urbanized area of less than 200,000 population, where such revenue vehicle miles or route miles and passengers served would otherwise be attributable to an urbanized area with a population of 1,000,000 or more in an adjacent State, shall be attributable to the public body in the State in which such urbanized area of less than 200,000 population is located as if the public body were an urbanized area of 200,000 or more so long as such public body contracts, directly or indirectly, for such service. For the purpose of this paragraph, the terms "fixed, guideway revenue vehicle miles" and "fixed guideway route miles" shall include ferry boat operations directly or under contract by the designated recipient.

[(c) Funds available under subsection (a)(1) of this section shall be apportioned on the basis of a formula under which urbanized areas of less than 200,000 population shall be entitled to receive an amount equal to the sum of—

[(1) one-half of the total amount so apportioned multiplied by the ratio which the population of such urbanized area bears to the total population of all such urbanized areas in all the States as shown by the latest available Federal census; and

[(2) one-half of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

As used in this section, the term "density" means the number of inhabitants per square mile.

[(d)(1) The provisions of subsections (e), (f), (g), (h), (i), (m), and (n) of section 9 of this Act shall apply to grants made under this section.

[(2)(A) Grants under this section shall be made for the purposes described in subsection (j) of section 9 of this Act, except that such grants may not be used for payment of operating expenses.

[(B) The Federal grant for any project under this section shall not exceed 80 per centum of the net project cost of such project.

[(3) The provisions of subsection (o) of section 9 shall apply to grants made under this section, except that amounts remaining unobligated at the end of the 3-year period shall be added to the amount available under section 3 for the succeeding fiscal year.]

* * * * *

GRANTS FOR RESEARCH AND TRAINING IN URBAN TRANSPORTATION PROBLEMS

SEC. 11. (a) * * *

(b) UNIVERSITY TRANSPORTATION CENTERS.—

(1) * * *

(2) RESPONSIBILITIES.—The responsibilities of each transportation center established under this subsection shall include, but

not be limited to, the conduct of infrastructure research concerning transportation and research and training concerning *transportation safety and* transportation of passengers and property and the interpretation, publication, and dissemination of the results of such research. The responsibilities of one of such centers may include research on the testing of new model buses. The program of research at all research centers should cover more than one mode of transportation, and should take into consideration the proportion of funding for this subsection from funding available to carry out urban mass transportation projects under this Act and from the Highway Trust Fund.

* * * * *

[(7) NATIONAL ADVISORY COUNCIL.—

[(A) ESTABLISHMENT; FUNCTIONS.—The Secretary shall establish in the Department of Transportation a national advisory council to coordinate the research and training to be carried out by the grant recipients, to disseminate the results of such research, to act as a clearinghouse between such centers and the transportation industry, and to review and evaluate programs carried out by such centers.

[(B) MEMBERS.—The council shall be composed of the directors of the regional transportation centers and 19 other members appointed by the Secretary as follows:

[(i) Six officers of the Department of Transportation one of whom represents the Office of the Secretary, one of whom represents the Federal Highway Administration, one of whom represents the Urban Mass Transportation Administration, one of whom represents the National Highway Traffic Safety Administration, one of whom represents the Research and Special Programs Administration, and one of whom represents the Federal Railroad Administration.

[(ii) Five representatives of State and local governments.

[(iii) Eight representatives of the transportation industry, including private providers of public transportation services, and organizations of employees in such industry.

A vacancy in the membership of the council shall be filled in the manner in which the original appointment was made.

[(C) TERM OF OFFICE; PAY; CHAIRMAN.—Each of the members appointed by the Secretary shall serve without pay. The chairman of the council shall be designated by the Secretary.

[(D) MEETINGS.—The council shall meet at least annually and at such other times as the chairman may designate.

[(E) AGENCY INFORMATION.—Subject to subchapter II of chapter 5 of title 5, United States Code, the council may secure directly from any department or agency of the United States information necessary to enable it to carry out this subsection. Upon request of the chairman of the

council, the head of such department or agency shall furnish such information to the council.

[(F) **TERMINATION DATE INAPPLICABLE.**—Section 14 of the Federal Advisory Committee Act shall not apply to the council.

[(8) **ADMINISTRATION THROUGH OFFICE OF SECRETARY.**—Administrative responsibility for carrying out this subsection shall be in the Office of the Secretary.]

(7) **NATIONAL CENTER.**—*To accelerate the involvement and participation of minority individuals and women in transportation-related professions, particularly in the science, technology, and engineering disciplines, the Secretary shall make grants under this section to Morgan State University to establish a national center for transportation management, research, and development. Such center shall give special attention to the design, development, and implementation of research, training, and technology transfer activities to increase the number of highly skilled minority individuals and women entering the transportation workforce.*

(8) **CENTER FOR TRANSPORTATION AND INDUSTRIAL PRODUCTIVITY.**—*The Secretary shall make grants under this section to the New Jersey Institute of Technology to establish and operate a center for transportation and industrial productivity. Such center shall conduct research and development activities which focus on methods to increase surface transportation capacity, reduce congestion, and reduce costs for transportation system users and providers through the use of transportation management systems.*

(9) **NATIONAL RURAL TRANSPORTATION STUDY CENTER.**—*The Secretary shall make grants under this section to the University of Arkansas to establish a national rural transportation center. Such center shall conduct research, training, and technology transfer activities in the development, management, and operation of intermodal transportation systems in rural areas.*

(10) **PROGRAM COORDINATION.**—

(A) **IN GENERAL.**—*The Secretary shall provide for the coordination of research, education, training, and technology transfer activities carried out by grant recipients under this subsection, the dissemination of the results of such research, and the establishment and operation of a clearinghouse between such centers and the transportation industry. The Secretary shall review and evaluate programs carried out by such grant recipients at least annually.*

(B) **FUNDING.**—*Not to exceed 1 percent of the funds made available from Federal sources to carry out this subsection may be used by the Secretary to carry out this paragraph.*

[(9)] (11) **ALLOCATION OF FUNDS.**—*The Secretary shall allocate funds made available to carry out this subsection equitably among the Federal regions.*

[(10)] (12) **TECHNOLOGY TRANSFER SET-ASIDE.**—*Not less than 5 percent of the funds made available to carry out this subsection for any fiscal year shall be available to carry out technology transfer activities.*

(c) **UNIVERSITY RESEARCH INSTITUTES.**—

(1) **INSTITUTE FOR NATIONAL SURFACE TRANSPORTATION POLICY STUDIES.**—The Secretary shall make grants under this section to San Jose State University to establish and operate an institute for national surface transportation policy studies. Such institute shall—

(A) include both male and female students of diverse socioeconomic and ethnic backgrounds who are seeking careers in the development and operations of surface transportation programs; and

(B) conduct research and development activities to analyze ways of improving aspects of the development and operation of the Nation's surface transportation programs.

(2) **INFRASTRUCTURE TECHNOLOGY INSTITUTE.**—The Secretary shall make grants under this section to Northwestern University to establish and operate an institute for the study of techniques to evaluate and monitor infrastructure conditions, improve information systems for infrastructure construction and management, and study advanced materials and automated processes for construction and rehabilitation of public works facilities.

(3) **FUNDING.**—There is authorized to be appropriated out of the Highway Trust Fund, other than the Mass Transit Account, for each of fiscal years 1992, 1993, 1994, 1995, and 1996 \$250,000 per fiscal year to carry out paragraph (1) and \$3,000,000 per fiscal year to carry out paragraph (2).

GENERAL PROVISIONS

SEC. 12. (a) * * *

(b) **CONTRACT REQUIREMENTS.**—

(1) * * *

* * * * *

(5) **SPECIAL RULES FOR ENGINEERING AND DESIGN CONTRACTS.**—

(A) **PERFORMANCE AND AUDITS.**—Any contract or subcontract awarded in accordance with paragraph (4), whether funded in whole or in part with Federal transit funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

(B) **INDIRECT COST RATES.**—In lieu of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with paragraph (4) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant government agency or independent certified public accountant if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings in accordance with section 15.901(c) of such title 48. A recipient of such funds requesting or using the cost and rate data described

in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to any other firm or to any government agency which is not part of the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

(c) As used in this Act—

(1) * * *

* * * * *

(7) the [term] *terms* “public transportation” and “transit” means mass transportation;

* * * * *

(h) BUS TESTING.—

(1) REQUIREMENT.—No funds appropriated or made available pursuant to this Act after September 30, 1989, may be obligated or expended for the acquisition of a new bus model unless a bus of such model has been tested at a facility established under section 317(b) of the Federal Mass Transportation Act of 1987.

(2) NEW BUS MODEL DEFINED.—As used in this subsection, the term “new bus model” means a bus model (*including any model using alternative fuels*) which has not been used in mass transportation service in the United States before the date of production of such model or a bus model which has been used in such service but which is being produced with a major change in configuration or components.

* * * * *

(j) PREAWARD AND POSTDELIVERY AUDIT OF BUS PURCHASES.—For the purpose of assuring compliance with Federal motor vehicle safety requirements, the requirements of section 165 of the Surface Transportation Assistance Act of 1982 (relating to purchases of American products), and bid specifications requirements of recipients of grants under this Act, the Secretary, *not later than January 1, 1992*, shall issue regulations requiring a preaward and postdelivery audit with respect to any grant under this Act for the purchase of rail rolling stock and for the purchase of 15 or more buses and other rolling stock. For the purposes of such audit, manufacturer or purchaser certification shall not be sufficient, and independent inspections and auditing shall be required.

(k) TRANSFER OF CAPITAL ASSET.—

(1) AUTHORIZATION.—*If a recipient of assistance under this Act determines that facilities and equipment and other assets (including land) acquired, in whole or part, with such assistance are no longer needed for the purposes for which they were acquired, the Secretary may authorize the transfer of such assets to any public body to be used for any public purpose with no further obligation to the Federal Government.*

(2) DETERMINATIONS.—*The Secretary may authorize a transfer under paragraph (1) for any public purpose other than mass transportation only if the Secretary first determines—*

(A) that the asset being transferred will remain in public use for not less than 5 years after the date of the transfer;

(B) that there are no purposes eligible for assistance under this Act for which the asset should be used;

(C) the overall benefit of allowing the transfer outweighs the Federal Government interest in liquidation and return of the Federal financial interest in the asset, after consideration of fair market value and other factors; and

(D) that, in any case in which the asset is a facility or land, there is no interest in acquiring the asset for Federal use.

The determination under subparagraph (D) shall be made through an appropriate screening or survey process.

(3) **DOCUMENTATION.**—Determinations required by paragraph (2) shall be made, in writing, and shall include the rationale for such determinations.

(4) **RELATION TO OTHER PROVISIONS.**—The provisions of this section shall be in addition to and not in lieu of any other provision of law governing use and disposition of facilities and equipment under an assistance agreement.

(1) **SPECIAL PROCUREMENT INITIATIVES.**—

(1) **TURNKEY SYSTEM PROCUREMENTS.**—

(A) **IN GENERAL.**—In order to advance new technologies and lower the cost of constructing new transit systems, the Secretary may allow the solicitation for a turnkey system project to be funded under this Act to be conditionally awarded before Federal requirements have been met on the project so long as the award is made without prejudice to the implementation of those Federal requirements. Federal financial assistance under this Act may be made available for such a project when the recipient has complied with relevant Federal requirements.

(B) **INITIAL DEMONSTRATION PHASE.**—In order to develop regulations applying generally to turnkey system projects, the Secretary is authorized to approve not to exceed 4 projects for an initial demonstration phase. The results of such demonstration projects shall be taken into consideration in the development of the regulations implementing this subsection.

(C) **TURNKEY SYSTEM PROJECT DEFINED.**—As used in this subsection, the term "turnkey system project" means a project under which a recipient contracts with a consortium of firms, individual firms, or a vendor to build a transit system that meets specific performance criteria and which is operated by the vendor for a period of time.

(2) **MULTIYEAR ROLLING STOCK PROCUREMENTS.**—

(A) **IN GENERAL.**—A recipient procuring rolling stock with Federal financial assistance under this Act may enter into a multiyear agreement for the purchase of such rolling stock and replacement parts pursuant to which the recipient may exercise an option to purchase additional rolling stock or replacement parts for a period not to exceed 5 years from the date of the original contract.

(B) *CONSORTIA.*—The Secretary shall permit 2 or more recipients to form a consortium (or otherwise act on a cooperative basis) for purposes of procuring rolling stock in accordance with this paragraph and other Federal procurement requirements.

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PLANNING AND DESIGN OF MASS TRANSPORTATION FACILITIES TO MEET
SPECIAL NEEDS OF THE ELDERLY AND THE HANDICAPPED

SEC. 16. (a) * * *

* * * * *

[(e) *INCREASED FEDERAL SHARE OF CERTAIN NONREQUIRED PROJECTS.*—Notwithstanding any other provision of this Act, the Federal share under sections 3, 9, and 18 of this Act for each capital improvement project which enhances the accessibility for elderly and handicapped persons to public transportation service and which is not required by Federal law (including any other provision of this Act) shall be 95 percent of the net project cost of such project.]

(e) *MEAL DELIVERY SERVICE TO HOMEBOUND PERSONS.*—Transit service providers receiving assistance under this section or section 18(a) may coordinate and assist in providing meal delivery service for homebound persons on a regular basis if the meal delivery services do not conflict with the provision of transit services or result in a reduction of service to transit passengers.

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SEC. 18. (a) * * *

* * * * *

(e) The Federal share under this Act for any construction project under this section shall not exceed 80 per centum of the net cost of such construction project, as determined by the Secretary. The Federal share under this Act for any project for the payment of subsidies for operating expenses, as defined by the Secretary, shall not exceed 50 per centum of the net cost of such operating expense project. At least 50 per centum of the remainder shall be provided in cash, from sources other than Federal funds or revenues from the operation of public mass transportation systems. Any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement, or depreciation funds or reserves available in cash or new capital. For the purpose of this subsection, the term "Federal funds or revenues" does not include funds received by a recipient of funds under this section pursuant to a service agreement with a State or local social service agency or a private social service organization and the term "construction" includes acquisition of materials and supplies.

* * * * *

(i) *TRANSFERABILITY.*—The Governor of a State may transfer—

(1) not to exceed 25 percent of the State's apportionment under subsection (a), and

(2) an additional 10 percent of such apportionment if the Governor determines that the mass transit services for which such funds would be available but for such transfer are being adequately maintained,

to any apportionment of such State under title 23, United States Code.

(j) *INTERCITY BUS TRANSPORTATION.*—Before apportioning any amounts under subsection (a) for a fiscal year beginning after September 30, 1991, the Secretary shall set aside \$20,000,000 to carry out a program for the development and support of intercity bus transportation. In carrying out such program, the Secretary is authorized to make grants to States for activities which further the purposes of the program, including planning and marketing for intercity bus transportation, capital grants for intercity bus shelters, joint-use stops and depots, operating grants through purchase-of-service agreements, user-side subsidies and demonstration projects, and coordination of rural connections between small transit operations and intercity bus carriers.

* * * * *

[AUTHORIZATIONS

[SEC. 21. (a) SECTIONS 9 AND 18.—(1) There are hereby authorized to be appropriated to carry out the provisions of sections 9 and 18 of this Act not to exceed \$2,000,000,000 for fiscal year 1987, and not to exceed \$2,100,000,000 for each of fiscal years 1988 through 1991. Any funds so appropriated shall remain available until expended.

[(2) There shall be available from the Mass Transit Account of the Highway Trust Fund only to carry out sections 3, 4(i), 8, and 16(b) of this Act \$1,097,000,000 for the fiscal year 1987, and \$1,000,000,000 for each of fiscal years 1988 through 1991, to remain available until expended.

[(b) SECTIONS 3 AND 9B.—In addition to the amounts set forth in subsection (a)(2), to carry out sections 3 and 9B of this Act, there shall be available from the Mass Transit Account of the Highway Trust Fund for each of fiscal years 1988 through 1991—

[(1) \$200,000,000 for fiscal year 1988;

[(2) \$250,000,000 for fiscal year 1989;

[(3) \$300,000,000 for fiscal year 1990; and

[(4) \$400,000,000 for fiscal year 1991;

to remain available until expended.

[(c) TREATMENT OF CERTAIN SECTION 3 AND SECTION 9B FUNDS.—

(1) Of the amounts made available by subsection (b), 50 percent shall be available for capital grants under section 3, and 50 percent shall be available for grants under section 9B. If an obligation ceiling in effect for any fiscal year is less than the sum of the new budget authority authorized by subsections (a)(2) and (b), the ceiling shall first be applied to the budget authority provided by subsection (b).

[(2) Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available under subsections (a)(2) and (b) of this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project.

[(d) **INTERSTATE TRANSFER.**—For substitute mass transportation projects under section 103(e)(4) of title 23, United States Code, there are authorized to be appropriated \$200,000,000 for each of fiscal years 1987 through 1991.

[(e) **RURAL PROGRAM.**—For each of fiscal years 1987 through 1991, 2.93 percent of the aggregate funds made available for sections 9 and 18 and section 9B under subsections (a)(1) and (b) of this section shall be available to carry out section 18. All amounts made available for section 18 shall be from funds appropriated under subsection (a).

[(f) **PLANNING.**—From the funds made available under subsection (a)(2) of this section, not to exceed \$45,000,000 shall be available for the purposes of section 8 in each of fiscal years 1987 through 1991. Nothing herein shall prevent the use of additional funds available under this subsection for planning purposes.

[(g) **SECTIONS 4(i) AND 16(b).**—(1) From the funds made available under subsection (a)(2) of this section, not to exceed \$35,000,000 shall be available for the purposes of sections 4(i) and 16(b) in each of fiscal years 1988 through 1991.

[(2) From the funds provided for section 4(i) for fiscal year 1987, \$5,000,000 shall be available to carry out section 18(h).

[(h) **SECTIONS 6, 10, 11(a), 12(a), 18(h), AND 20.**—There are hereby authorized to be appropriated to carry out sections 6, 10, 11(a), 12(a), 18(h), and 20 of this Act—

[(1) not to exceed such sums as may be appropriated for fiscal year 1987; and

[(2) not to exceed \$50,000,000 for each of fiscal years 1988 through 1991, of which 10 percent shall be available only for section 18(h).

Any funds appropriated pursuant to this subsection for financing projects funded under section 6 of this Act shall remain available until expended.

[(i) **SECTION 11(b).**—(1) From the funds made available under subsection (a)(2), \$5,000,000 shall be available for the purposes of section 11(b) for each of fiscal years 1988 through 1991.

[(2) From the Highway Trust Fund (other than the Mass Transit Account), \$5,000,000 shall be available for the purposes of section 11(b) for each of the fiscal years 1988 through 1991.]

SEC. 21. AUTHORIZATIONS.

(a) SECTIONS 9 AND 18.—

(1) **FROM THE GENERAL FUND.**—There is authorized to be appropriated to carry out sections 9 and 18 of this Act not to exceed \$1,800,000,000 for fiscal year 1992, \$1,900,000,000 for fiscal year 1993, \$2,000,000,000 for fiscal year 1994, \$2,100,000,000 for fiscal year 1995, and \$2,200,000,000 for fiscal year 1996. Such funds shall remain available until expended.

(2) **FROM THE MASS TRANSIT ACCOUNT.**—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 9 and 18 of this Act \$590,000,000 for each of fiscal years 1992 through 1996. Such funds shall remain available until expended.

(b) **SECTION 3.**—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 3 of this

Act \$1,150,000,000 for fiscal year 1992, \$1,250,000,000 for fiscal year 1993, \$1,350,000,000 for fiscal year 1994, \$1,450,000,000 for fiscal year 1995, and \$1,550,000,000 for fiscal year 1996. Such funds shall remain available until expended.

(c) **SECTIONS 3 AND 9B.**—In addition to the amounts set forth in subsection (b), to carry out sections 3 and 9B of this Act, there shall be available from the Mass Transit Account of the Highway Trust Fund \$2,560,000,000 for fiscal year 1992, \$2,360,000,000 for fiscal year 1993, \$2,160,000,000 for fiscal year 1994, \$1,960,000,000 for fiscal year 1995, and \$1,760,000,000 for fiscal year 1996. Such funds shall remain available until expended.

(d) **TREATMENT OF CERTAIN SECTION 3 AND SECTION 9B FUNDS.**—Of the amounts made available by subsection (c), 50 percent shall be available for capital grants under section 3, and 50 percent shall be available for grants under section 9B. If an obligation ceiling in effect for any fiscal year is less than the sum of the new budget authority authorized by subsections (b) and (c), the ceiling shall first be applied to the budget authority provided by subsection (c).

(e) **INTERSTATE TRANSFER.**—For substitute mass transportation projects under section 103(e)(4) of title 23, United States Code, there is authorized to be appropriated \$160,000,000 for each of fiscal years 1992 and 1993.

(f) **RURAL PROGRAM.**—For each of fiscal years 1992 through 1996, 5 percent of the aggregate funds made available for sections 9 and 18 and section 9B under subsections (a) and (c) of this section shall be available to carry out section 18. All amounts made available for section 18 shall be from funds appropriated under subsection (a)(1).

(g) **SECTIONS 4(i) AND 16(b).**—

(1) **FROM GENERAL FUND.**—There is authorized to be appropriated to carry out section 16(b) of this Act not to exceed \$30,000,000 for each of fiscal years 1992 through 1996. Such sums shall remain available until expended.

(2) **FROM MTA.**—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 4(i) and 16(b) of this Act \$43,000,000 for each of fiscal years 1992 through 1996. Such sums shall remain available until expended.

(h) **SECTIONS 6, 8, 11(a), 18(h), 20, AND 27.**—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 6, 8, 11(a), 18(h), 20, and 27 of this Act and transit-related planning under sections 134 and 135 of title 23, United States Code, \$150,000,000 for each of fiscal years 1992 through 1996, of which 10 percent shall be available only for section 18(h). Such sums shall remain available until expended.

(i) **SECTION 12(a).**—There is authorized to be appropriated to carry out section 12(a) of this Act not to exceed \$70,000,000 for each of fiscal years 1992 through 1996. Such sums shall remain available until expended.

(j) **SECTION 11(b).**—

(1) **FROM MTA.**—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 11(b) \$7,000,000 for each of fiscal years 1992 through 1996.

(2) **FROM HTF.**—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out

section 11(b) \$7,000,000 for each of fiscal years 1992 through 1996.

(k) **CONTRACT AUTHORITY.**—Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available under subsections (a)(2), (b), (c), (g)(2), (h), and (j) of this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project.

* * * * *

SEC. 26. PLANNING AND RESEARCH PROGRAM.

(a) NATIONAL PROGRAM.—

(1) **RESEARCH AND TRAINING AGREEMENT.**—Of the funds made available under section 21(h), $\frac{1}{3}$ shall be available to the Secretary for making grants, or entering into contracts, for carrying out the purposes of sections 6, 8, 10, 11(a), 18(h), or 20 of this Act, as the Secretary deems appropriate.

(2) **COMPLIANCE WITH ADA.**—Of the amounts available under paragraph (1), the Secretary shall make available not less than \$2,000,000 to provide transit-related technical assistance, demonstration programs, research, public education, and other activities that the Secretary deems appropriate to help transit providers achieve compliance with the Americans With Disabilities Act of 1990. To the extent practicable, the Secretary shall carry out this paragraph through contract with a national nonprofit organization serving persons with disabilities with demonstrated capacity to carry out these activities.

(3) ENTREPRENEURIAL TRANSPORTATION SERVICES PROGRAM.—

(A) **ESTABLISHMENT.**—Of the amounts available under paragraph (1), the Secretary shall make available \$3,000,000 to establish an entrepreneurial transportation services program to provide grants and loans to assist in the development of private transportation services to meet new transportation needs and complement public transportation services funded under this Act.

(B) **ELIGIBILITY.**—Public bodies and nonprofit entities shall be eligible to receive assistance under this paragraph to assist private entrepreneurs in the provision of transportation services. Any grant or loan made under this paragraph shall be available to such entrepreneurs for a period of not more than 2 years. A recipient is authorized to retain funds returned to it in connection with such a grant or loan and such funds shall continue to be used for the purposes of subparagraph (A).

(C) **USE OF GRANTS AND LOANS.**—Grants and loans made under this paragraph may be used to fund capital, planning, and operating costs, as determined by the Secretary.

(4) INERTIAL NAVIGATION TECHNOLOGY TRANSFER.—

(A) **DEMONSTRATION PROJECT.**—Of the amounts available under paragraph (1) for fiscal years 1992, 1993, and 1994, the Secretary shall make available \$1,000,000 for fiscal year 1992, \$2,000,000 for fiscal year 1993, and \$2,000,000 for fiscal year 1994 to support an inertial navigation system demonstration project for the purpose of determining the safety, economic, and environmental benefits of deploying

inertial navigation tracking and control systems in urban and rural environments.

(B) **PUBLIC-PRIVATE SECTOR PARTICIPANTS.**—The project described in subparagraph (A) shall be conducted by a non-profit public-private sector consortium based in Pittsburgh, Pennsylvania.

(5) **SPECIAL DEMONSTRATION INITIATIVES.**—Of the amounts available under paragraph (1), an amount not to exceed 25 percent shall be available to the Secretary for special demonstration initiatives subject to such terms, conditions, requirements, and provisions as the Secretary deems appropriate; except that the provisions of section 3(e)(4) shall apply to operational grants funded for purposes of section 6.

(6) **TECHNOLOGY DEVELOPMENT.**—

(A) **IN GENERAL.**—The Secretary is authorized to undertake a program of transit technology development in coordination with affected entities.

(B) **INDUSTRY TECHNICAL PANEL.**—The Secretary shall establish an industry technical panel consisting of representatives of transportation suppliers and operators and others involved in technology development. A majority of the panel members shall represent the supply industry. The panel shall assist the Secretary in the identification of priority technology development areas for public transportation and in establishing guidelines for project development, project cost sharing, and project execution for public transportation.

(C) **COST-SHARING GUIDELINES.**—The Secretary shall develop guidelines for cost sharing in technology development projects funded under this section. Such guidelines shall be flexible in nature and reflect the extent of technical risk, market risk, anticipated supplier benefits, and pay back periods.

(7) **SUPPLEMENTATION OF COOPERATIVE RESEARCH PROGRAM.**—The Secretary may use funds made available pursuant to paragraph (1) to supplement funds available under subsection (b)(1).

(8) **FEDERAL SHARE.**—Where there would be a clear and direct financial benefit to an entity under a grant or contract funded under this subsection (other than paragraph (2) or subsection (b)(1), the Secretary shall establish a Federal share consistent with that benefit.

(b) **STATE AND LOCAL PROGRAM.**—Of the funds made available under section 21(h), $\frac{2}{3}$ shall be available for State and local programs as follows:

(1) **TRANSIT COOPERATIVE RESEARCH PROGRAM.**—16½ percent of that amount shall be available for a transit cooperative research program to be administered as follows:

(A) **GOVERNING BOARD.**—The Secretary shall establish an independent governing board for such program to recommend transit research, development, and technology transfer activities as the Secretary deems appropriate.

(B) **GRANTS TO NAS.**—The Secretary may make grants to, and enter into cooperative agreements with, the National

Academy of Sciences to carry out such transit research activities as the Secretary determines are appropriate.

(2) **STATE AND LOCAL PLANNING, RESEARCH, AND TRAINING.**—The remaining 83.5 percent of that amount shall be apportioned to the States for making grants, and entering into contracts, to carry out sections 6, 8, 10, 11, 18(h), and 20 of the Act and transit-related planning under sections 134 and 135 of title 23, United States Code, as follows:

(A) **APPORTIONMENT FORMULA.**—Amounts shall be apportioned to the States in the ratio which the population in urbanized areas of each State bears to the total population in urbanized areas of all the States, as shown by the latest available decennial census; except that no State shall receive less than $\frac{1}{2}$ of 1 percent of the amount apportioned under this subparagraph.

(B) **ALLOCATION WITHIN A STATE.**—

(i) **STATE PROGRAMS.**—Of the funds apportioned to each State under subparagraph (A), 25 percent shall be available for State programs to carry out the objectives of this subsection. A State may authorize a portion of its funds made available under this clause to be used to supplement funds available under paragraph (1) or clause (ii) of this subparagraph, as the State deems appropriate. Of the funds allocated pursuant to this clause, at least $33\frac{1}{3}$ percent shall be used for purposes of section 18(h).

(ii) **MPOs.**—Of the funds apportioned to each State under subparagraph (A), 75 percent shall be, by a formula developed by each State in cooperation with local elected officials acting through the metropolitan planning organizations representing urbanized areas of the State and approved by the Secretary which considers population in urbanized areas and provides an appropriate distribution for urbanized areas to carry out the cooperative processes described in section 8 of this Act and sections 134 and 135 of title 23, United States Code, made available by the State to those of such metropolitan planning organizations which are designated by the State as being responsible together with the State for carrying out the objectives of this section.

(3) **FEDERAL SHARE PAYABLE.**—The Federal share payable for a project under paragraph (2) shall be 80 percent—

(A) except in any case in which the Secretary determines that it is in the Federal interest not to require a State or local match; and

(B) except for funds used for the purposes of section 18(h), in which case the Federal share payable shall be 100 percent.

(c) **HOLD HARMLESS.**—The amounts made available under this section shall be adjusted as follows:

(1) **AMOUNT TO STATES.**—The amount made available under subsection (a) shall be reduced and the amount made available under subsection (b)(2) shall be increased so that the aggregate amount provided to the States for allocation to metropolitan

planning organizations under subsection (b)(2)(B)(ii) is no less than the aggregate amount provided to metropolitan planning organizations by administrative formula under section 8 of this Act in fiscal year 1991.

(2) **MPO ALLOCATIONS.**—The amount apportioned to each State by formula under subsection (b) shall be adjusted so that the aggregate amount apportioned to each State to be made available to metropolitan planning organizations under subsection (b)(2)(B)(ii) is no less than the aggregate amount provided to metropolitan planning organizations in the State by administrative formula under section 8 of this Act in fiscal year 1991.

(3) **STATE PROGRAMS.**—Of the funds allocated to a State under subsection (b), a larger amount than provided for under subsection (b)(2)(B)(i) may be available for State programs to the extent that the amount otherwise available to the State for State programs is less than the amount made available to the State by administrative formula under section 8 of this Act in fiscal year 1991 and under section 18(h) of this Act in fiscal year 1991; except that the aggregate amount made available by the State to metropolitan planning organizations under subsection (b)(2)(B)(ii) shall in no event be less than the aggregate amount made available to metropolitan planning organizations in that State by administrative formula under section 8 of this Act in fiscal year 1991.

SEC. 27. NEEDS SURVEY AND TRANSFERABILITY STUDY.

(a) **NEEDS SURVEY.**—In January 1993, and in January of every second year thereafter, the Secretary shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Public Works and Transportation of the House of Representatives an estimate of the future transit needs of the Nation, including transit needs in rural areas (particularly access to health care facilities). Such report shall include an assessment of needs related to rail modernization, guideway modernization, replacement, rehabilitation, and purchase of buses and related equipment, construction of bus related facilities, and construction of new fixed guideway systems and extensions to fixed guideway systems.

(b) **TRANSFERABILITY STUDY.**—

(1) **IN GENERAL.**—In January 1993 and in January of every second year thereafter, the Secretary shall transmit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on implementation of the transferability provisions of sections 3(m), 9(n)(3), and 18(i) of this Act.

(2) **CONTENTS.**—The report shall identify, by State, the amount of transit funds transferred for nontransit purposes under such sections during the previous fiscal year and shall include an assessment of the impact of such transfers on the transit needs of individuals and communities within the State. Specifically, the report shall assess the impact of such transfers (A) on the State's ability to meet the transit needs of elderly individuals, individuals with disabilities, and individuals residing in rural areas, (B) on efforts to meet the objectives of the Ameri-

cans With Disabilities Act of 1990 and the Clean Air Act, and (C) on the State's efforts to extend public transit services to unserved rural areas. The report shall also include an examination of the relative levels of Federal transit assistance and services in urban and rural areas in fiscal year 1991 and the extent to which such assistance and service has increased or decreased in subsequent fiscal years as a result of transit resources made available under this Act and the Intermodal Surface Transportation Infrastructure Act of 1991.

SEC. 28. NATIONAL TRANSIT INSTITUTE.

(a) **ESTABLISHMENT.**—The Secretary shall make grants to Rutgers University to establish a national transit institute. The institute shall develop and administer, in cooperation with the Federal Transit Administration, State transportation departments, and public transit agencies, training programs of instruction for Federal, State, and local transportation employees engaged or to be engaged in Federal-aid transit work. Such programs may include courses in recent developments, techniques, and procedures relating to transit planning, management, environmental factors, acquisition and joint use of rights-of-way, engineering, procurement strategies for transit systems, turn-key approaches to implementing transit systems, new technologies, emission reduction technologies, means of making transit accessible to individuals with disabilities, construction, maintenance, contract administration, and inspection. The Secretary shall delegate to the institute the authority vested in the Secretary for the development and conduct of educational and training programs relating to transit.

(b) **FUNDING.**—Not to exceed one-half of 1 percent of all funds made available for a fiscal year beginning after September 30, 1991, to a State or public transit agency in the State for carrying out sections 3 and 9 of the Urban Mass Transportation Act of 1964 shall be available for expenditure by the State and public transit agencies in the State, subject to approval by the Secretary, for payment of not to exceed 80 percent of the cost of tuition and direct educational expenses in connection with the education and training of State and local transportation department employees as provided in this section.

(c) **PROVISION OF TRAINING.**—Education and training of Federal, State, and local transportation employees authorized by this section shall be provided—

(1) by the Secretary at no cost to the States and local governments for those subject areas which are a Federal program responsibility; or

(2) in any case where such education and training are to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, other institutions, individuals, and the institute.

(d) **FUNDING.**—The Secretary shall make available from amounts provided under section 21(h) \$3,000,000 per fiscal year for each of fiscal years 1992, 1993, 1994, 1995, and 1996 for carrying out this section.

SECTION 341 OF THE DEPARTMENT OF TRANSPORTATION AND RELATED
AGENCIES APPROPRIATIONS ACT, 1991

【SEC. 341.(a) Notwithstanding any other provision of law, for the period January 1, 1992, through December 31, 1992, the Secretary of Transportation shall reduce the aggregate amount which a State may obligate for Federal-aid highways and highway safety construction programs by 25 percent if such State has a public authority which provides mass transportation for an urbanized area of such State with a population of 3,000,000 or more as determined under the 1980 decennial census of the United States, and if by October 1, 1991—

【(1) laws of such State do not authorize a general tax-based source of revenues to take effect on or before January 1, 1992, dedicated to paying the non-Federal share of projects for mass transportation eligible for assistance under the Urban Mass Transportation Act of 1964; or

【(2) the laws of such State do not authorize the establishment of regional or local tax-based sources of revenues dedicated to pay such non-Federal share or for paying operating expenses of mass transit service so as to satisfy financial capacity standards as may be required by the Secretary of Transportation.

【(b) For purposes of this section, the terms “mass transportation”, “State”, and “urbanized areas” have the meaning such terms have under section 12 of the Urban Mass Transportation Act of 1964.

【(c) Any withholding defined under this section shall be waived if the Governor of the State—

【(1) submits to the Secretary by October 1, 1991, a written certification stating that he is opposed to the enactment in his State of a law described in subsections (a) (1) and (2) and that funding as described in subsections (a) (1) and (2) would not improve public transportation safety; and

【(2) submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution by a simple majority expressing its opposition to a law described in subsections (a) (1) and (2).

【(d) This section shall remain in effect until December 31, 1992.

【This Act may be cited as the “Department of Transportation and Related Agencies Appropriations Act, 1991”.】

SECTION 317 OF THE SURFACE TRANSPORTATION AND UNIFORM
RELOCATION ASSISTANCE ACT OF 1987

SEC. 317. BUS TESTING.

(a) * * *

(b) BUS TESTING FACILITY.—

(1) ESTABLISHMENT.—The Secretary shall establish a facility for testing new bus models for maintainability, reliability, safety, performance (*including braking performance*), structural integrity, fuel economy, *emissions*, and noise. Such facility

shall be established by renovation of a facility constructed with Federal assistance for the purpose of training rail personnel.

(5) **FUNDING.**—There shall be available to the Secretary out of the Mass Transit Account of the Highway Trust Fund for establishment of the facility under paragraph (1) \$200,000 for fiscal year 1987 and \$3,000,000 for fiscal year 1988, for expansion of such facility \$1,500,000 for fiscal year 1992, and for establishment of a revolving fund under paragraph (6) \$2,500,000 for fiscal year 1992. Funds made available by this paragraph shall remain available until expended and shall not be subject to any obligation limitation.

(6) **REVOLVING LOAN FUND.**—The Secretary shall establish a bus testing revolving loan fund with amounts authorized for such purpose under paragraph (5). The Secretary shall make available as repayable advances amounts from the fund to the person described in paragraph (3) for operating and maintaining the facility.

STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980

SEC. 10. ADMINISTRATIVE ARRANGEMENTS.

(a) * * *

(d) **COOPERATIVE EFFORTS.**—The Secretary and the National Science Foundation shall, on a continuing basis, provide each other the opportunity to comment on any proposed program of activity under section 7, 9, 11, 15, 17, or [18] 20 of this Act before funds are committed to such program in order to mount complementary efforts and avoid duplication.

SEC. 18. CONFERENCE ON ADVANCED AUTOMOTIVE TECHNOLOGIES.

Not later than 180 days after the date of the enactment of this section, the Secretary, through the Under Secretary of Commerce for Technology, in consultation with other appropriate officials, shall convene a conference of domestic motor vehicle manufacturers, parts suppliers, Federal laboratories, and motor vehicle users to explore ways in which cooperatively they can improve the competitiveness of the United States motor vehicle industry by developing new technologies which will enhance the safety and energy savings, and lessen the environmental impact, of domestic motor vehicles, and the results of such conference shall be published and then submitted to the President and to the Committees on Science, Space, and Technology and Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 19. ADVANCED MOTOR VEHICLE RESEARCH AWARD.

(a) **ESTABLISHMENT.**—There is established a National Award for the Advancement of Motor Vehicle Research. The award shall con-

sist of a medal, and a cash prize if funding is available for the prize under subsection (c). The medal shall be of such design and materials and bear inscriptions as is determined by the Secretary of Transportation.

(b) **MAKING AND PRESENTING AWARD.**—The Secretary of Transportation shall periodically make and present the award to domestic motor vehicle manufacturers, suppliers, or Federal laboratory personnel who, in the opinion of the Secretary of Transportation, have substantially improved the domestic motor vehicle in safety, energy savings, or environmental impact. No person may receive the award more than once every 5 years.

(c) **FUNDING FOR AWARD.**—The Secretary of Transportation may seek and accept gifts of money from private sources for the purpose of making cash prize awards under this section. Such money may be used only for that purpose, and only such money may be used for that purpose.

SEC. [18.] 20. PERSONNEL EXCHANGES.

The Secretary and the National Science Foundation, jointly, shall establish a program to foster the exchange of scientific and technical personnel among academia, industry, and Federal laboratories. Such program shall include both (1) federally supported exchanges and (2) efforts to stimulate exchanges without Federal funding.

SEC. [19.] 21. AUTHORIZATION APPROPRIATIONS.

(a)(1) There is authorized to be appropriated to the Secretary for the purposes of carrying out sections 5, 11(g), and 16 of this Act not to exceed \$3,400,000 for the fiscal year ending September 30, 1988.

(2) Of the amount authorized under paragraph (1) of this subsection, \$2,400,000 is authorized only for the Office of Productivity, Technology, and Innovation; \$500,000 is authorized only for the purpose of carrying out the requirements of the Japanese technical literature program established under section 5(d) of this Act; and \$500,000 is authorized only for the patent licensing activities of the National Technical Information Service.

(b) In addition to the authorization of appropriations provided under subsection (a) of this section, there is authorized to be appropriated to the Secretary for the purposes of carrying out section 6 of this Act not to exceed \$500,000 for the fiscal year ending September 30, 1988, \$1,000,000 for the fiscal year ending September 30, 1989, and \$1,500,000 for the fiscal year ending September 30, 1990.

(c) Such sums as may be appropriated under subsections (a) and (b) shall remain available until expended.

(d) To enable the National Science Foundation to carry out its powers and duties under this Act only such sums may be appropriated as the Congress may authorize by law.

SEC. [20.] 22. SPENDING AUTHORITY.

No payments shall be made or contracts shall be entered into pursuant to the provisions of this Act (other than sections 11, 12, and 13) except to such extent or in such amounts as are provided in advance in appropriations Acts.

SEC. [21.] 23. USE OF PARTNERSHIP INTERMEDIARIES.

(a) **AUTHORITY.**—Subject to the approval of the Secretary or head of the affected department or agency, the Director of a Federal laboratory, or in the case of a federally funded research and development center, the Federal employee who is the contract officer, may—

(1) enter into a contract or memorandum of understanding with a partnership intermediary that provides for the partnership intermediary to perform services for the Federal laboratory that increase the likelihood of success in the conduct of cooperative or joint activities of such Federal laboratory with small business firms; and

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